VOL. XXXVII, No. 43.

# SUPREME COURT DECIDES AGAINST WALTER G. SMITH

## Frear and Galbraith Uphold Action of the Circuit Court In Contempt Case.

Perry, In a Strong Opinion, Dissents From the Court's Opinion and Holds That Constructive Contempt Cannot Be Punished.

FTER more than two months of deliberation a majority of the Supreme Court yesterday affirmed the decision of the Circuit Court, adjudging Walter G. Smith, Editor of the Advertiser, guilty of contempt, and remanding him to the custody of the High cheriff to serve a term of thirty days imprisonment.

As there appears to be a Federal question involved Mr. Smith's atterneys will present their application for a writ of babeas corpus to the United States District Court this morning and push the matter to the last step before abandoning it.

to the custody of the High Sheriff; the the Legislature in providing, by the epinion of the court will be filed." With act of 1898 (P. L. Sec. 262), that conthese words from Chief Justice Frear, structive attempts should no longer be the Supreme Court, Justice Perry dispunishable as such, regarded as consenting, yesterday affirmed the decision structive attempts only those that were of the Circuit Court, finding Mr. Smith not enumerated in the previous statute guilty of contempt and sentencing him (P. L. Sec. 257) and did not mean to to prison for thirty days.

There were but few people in the garded as constructive contempts, and court room yesterday afternoon at 3 the publication in question clearly cleck, when the three Justices filed comes within at least one of the classes slowly into the room, and took their enumerated in the previous statute. room when the judgment was given.

been given to Clerk George Lucas. Davis got possession of the original and after it had been shown to a few attorneys, he hurried into the clerk's office, where Judges Humphreys and Gear were in waiting. They spent the next hour in poring over its pages and commenting on the opinions of the three Judges. Mr. Smith was at once placed in the custody of Sheriff Chil-

ESTEE WOULD ISSUE WRIT.

to secure a new writ from Judge Estee, but because of the lateness of the hour this was given up until morning. Judge Estee very accommodatingly agreed to wait until 5 o'clock to sign the papers and stated that he would issue the writ of habeas corpus and hold court at o'clock in the evening to hear the matter if the attorneys so desired. The attorneys found it impossible to prepare the necessary papers and further action was postponed until this morning. THE DECISION.

The decision of the Supreme Court remanding the prisoner to the custody of the High Sheriff is a voluminous one. It is written by Chief Justice Frear, and Justice Galbraith writes a encurring opinion. Justice Perry dissents and also has a lengthy opinion. 'The following is the syllabus' governing the opinion of the majority:

"On habeas corpus to test the validity of a judgment for contempt the diction only and not questions of mere irregularity of error.

'All reasonable intendments are made in favor of the jurisdiction of superfer court of record when their judgments are attacked collaterally.

Whether an answer under oath by one cited for contempt operates as a purger or not depends on the circum-

"Whether all three Judges of the First Circuit may act together as a court or not is immaterial if, they do sit together, the presiding Judge for the term substantially conthe proceedings and finally pro counces judgment as if he alone conthe court, the others being deemed to act in an advisory capacity

The opinions are as follows: OPINION OF THE COURT, BY FREAR, C. J.

The facts and much of the law are set forth in Mr. Justice Perry's dissenting opinion. The case is one of preme Court) committed a quarter of great difficulty.

There is no doubt that the publication in question would be held a contempt at common law-whether it should be regarded as relating to a pending case or to a terminated case or to the Judge generally without reference to any particular case, or whether it was in the presence of the There is also no doubt that it should be held a contempt un- courts, and remanded the petitioner to our statutes. If the decision in the custody.

"In the case of ex parte Walter G. Bush case, 8 Haw, 221, should be fol-smith, the court remands the prisoner lowed; for, according to that decision,

include all those that are generally re-

If, therefore, this should be regarded present in person, and was represented as a case of constructive contempt un-by Smith & Lewis and Lorrin An- der the general law, the main question drews, while George Davis appeared for for consideration would be whether the the Circuit Judges, who remained out-decision in the Bush case should be side in the cierk's office as the decision followed or reversed. Assuming that was announced. There were besides the decision was sound when it was three or four attorneys in the court rendered, there might still be a question whether the publication, if it could Following the order made by Chief be considered as relating only to the Justice Frear the members of the terminated case or to the Judge gencourt left the room, the opinion having erally, and not to the pending case, ishable summarily, now that we have come under the provisions of the Federal Constitution relating to freedom of special reference to the case on trial the circumstances under which and though not differing materially from the corresponding constitutional protection of the procession of the processi

> if the case were here on appeal, or refers to the affidavit for the facts. It was in session or not. Perhaps that perhaps even on writ of error. But contains also an oral opinion delivered also would be immaterial, if it was cult Court is a court of general and timony of certain witnesses, which and if the other essential features were superior jurisdiction. Contempt cases shows that the jurors in the pending present. It is not clear whether the be inquired into as on appeal or erculation in or near the court room as the publication and circulation there still pending and the case undeterminror; only questions of jurisdiction can distinguished from the city at large, as a natural and probable consequence ed, The Pacific Commercial Advertiser, inquired into, and every presumpdiction of a superior court. On appeal or error, judgments of superior courts, circulated in the court room during Whether he should be thus held re-tained a certain cartoon and certain at least if the jurisdiction is limited, the trial does not appear except by the sponsible is a nice question, the affirmmay be set aside, if jurisdiction does not appear on the face of the record.

> lively appears to be wanting. In Cuddy, Petitioner, 131 U. S. 280, set forth in the judgment, but it did fore distinguishable from another case tion the matter in question, intending that was argued and decided at the thereby to throw disrespect upon the same time, in which it was held that Judge and to present the former accourt room and while the court was in to prejudice the case in the minds of session was "in the presence" of the the public and jury trying the cause. court. It appeared that the act consist- and that by reason of said published had been impanelled as a juror for the imadversions on the evidence or proparticular case. Apparently it was in prejudice the public respecting fact (as appeared by the record of the lower court, in re Cuddy, 40 Fed. R. administration, and by knowingly pub-62, but not by the record in the Su-lishing an unfair report of the promile from the court house and when the court was not in session. The court said in substance that neither the petition for the writ nor the part of the record of the lower court that was produced showed the particular locality where the act was committed, and that upon a collateral attack by habeas corpus every intendment was made in nor was any attempt made to show ant and was joined in by the presiding such court and jury, and the adminis-support of the jurisdiction of superior these things in the lower court by the Judge, and before the end of the case tration of justice into ridicule, con-

The present case is before us in a nesses

A NEW SAINT TO THE RESCUE

mus seems to refer to two convictions, both, however, apparently intended to cover the same or nearly the same ground, the one referring for the facts to the affidavit on which the citation was issued, the other purporting to set could be regarded as a contempt pun-ishable summarily, now that we have things, stating that the published matter was false, malicious, etc., and had the corresponding constitutional Bush court room during the trial of the case, visions in force here when the Bush that it was calculated to and did prejucase was decided, might perhaps be dice the minds of the jury and preconstrued differently to some extent, vent a fall and impartial trial and was found that the publication or circulations of the court found that the publication or circulations are constructed in the court found that the publication or circulation is constructed in the court found that the publication or circulation is constructed in the court found that the publication or circulation is constructed in the court found that the publication or circulation is constructed in the court found that the publication or circulation is constructed in the court found that the publication or circulation is constructed in the court found that the publication or circulation is constructed in the court found that the publication or circulation is constructed in the court found that the publication or circulation is constructed in the court found that the publication or circulation is constructed in the court found that the publication is constructed in the court found that the publication or circulation is constructed in the court found that the publication of the court found that the court found that the publication of the court found that the court found that the publication is constructed in the court found that the court found its duties in the trial It may have been such in then pending and undetermined. What rial whether it was in the court room of fact. We may have found it such if purports to be a transcript of the or in the adjoining hall or room, if the Many questions are presented, we had passed upon the question in the stenographer's notes of the proceed-other necessary conditions were presfirst instance, or we might find it such ings shows only one conviction, which ent. It is not clear whether the court must we regard it as such in these by another Judge who was with the during a recess merely or temporary habeas corpus proceedings? The Cir-trial Judge on the bench; also the test adjournment from one day to the next, are not appealable or subject to re- case saw the alleged contemptuous pubview by writ of error under our stat- lication in the hall and room adjoin- publication or circulation in or near Habeas corpus is a collateral ing the court room, if not in the court the court room or not. This is very proceeding. In a collateral proceeding room itself, but does not show what material, unless the petitioner should nor does it show whether the court was of the publication and circulation of a tion is indulged in support of the juris- in session at the time. Whether the paper or such general circulation in this city, of which newspaper the pres presiding Judge himself saw the paper does not indicate that it contains all authority, and no argument or authorbut on habeas corpus they may be set the evidence, though there is nothing ity having been presented on behalf of aside only when jurisdiction affirmato show that it does not, nor is the the petitioner in support of the negausual stenographer's certificate attach- tive. Whether the decision in the Bush ed to it, though it is signed by the case which, if followed, requires us to corpus from a judgment of contempt. of the record in this court, nor does it any view that can properly be taken of The act constituting the contempt was purport to have been filed or to be a the case on the evidence, should be re-marily punished for contempt of court not appear whether the act was com- would be justified, however, in over- question-upon which no argument has itor "did make and publish for circumitted in the presence of the court or looking these irregularities as counsel not and so whether it was covered by on both sides have taken it for granted the statute or not. Counsel contended that the transcript was complete and that the act was not committed in the a part of the record. The affidavit court building or while the court was sets forth in substance that the petiin session, and that the case was there- tioner made and published for circula- able under our statutes, and this

ceedings of the court and malicious in-

vectives against the court and jury

tending to bring the administration of

mit a contempt of court. No allegation

was made in the petition, nor was any

ffer made in this court to show just

publication and circulation took place,

justice into contempt, etc., did com-

very unsatisfactory state. The mitti-manner than by the petitioner's anof the penderey of the second case and alleging that the publication related to the first case only.

The contention that the petitioner thereby purged himself of the contempt cannot avail in this collateral proceeding, considering that the lower court found against him and considering all the circumstances under which that finding was made, assuming that in our must in these proceedings regard the publication as relating to the pending

petitioner had anything to do with the recital in the mittimus. The transcript ative being held by very respectable titioner, although that decision is most

strenuously urged contra. If, as is the case in some other jurisdictions, contempt cases were appealtion either by the record or by matter the cannot be set aside in a collateral prosame and to prevent and obstruct the ceeding.

administration, and by knowingly pubThe fact that all three Judges of the

they seem to have regarded themselves tice: where or under what circumstances the the part that the Judges other than the presiding Judge took was unimporttestimony of the witnesses for the pe- the view was apparently taken that the titioner or on cross examination of wit- two former were there in an advisory

alone finally pronounced judgment in form as if he alone constituted the

Gazette.

The case as a whole presents many fertile themes for comment, but it is unnecessary to discuss them. The petitioner is remanded

custody of the High Sheriff. Smith & Lewis and Andrews, Peters Andrade, for the petitioner. George A. Davis, contra.

DISSENTING OPINION OF PERRY, J.

See State v. Circuit Court, 97 Wis. 1. calculated to and did obstruct the court found that the publication or circula- Court of the First Circuit and then But must we regard this as a case of in the administration of justice, and tion took place in the court room or brought this petition for a writ of hato determine the legality such sentence and commitment.

One McCarthy was tried in the Circuit Court upon a charge of mayhem. Thereafter, upon motion of counsel, the court discharged the defendant on the ground that there is no such crime known to our law as mayhem. was on March 5, 1902. On March 11, McCarthy was arraigned before the same court on a charge of assault and battery based on the same acts, and the trial was begun. In its issue of the mere irregularities and errors cannot the petitioner had to do with its cir- be regarded as responsible in law for day following, and while the trial was a newspaper printed and published in the city where the trial was pending, ent petitioner was then the editor, concirculated in the court room during Whether he should be thus held re- tained a certain cartoon and certain cerning the Hon. George D. Gear, who was the Judge presiding at the two trials referred to. One of the attorneys for the defendant on the day last named presented to the court a motion or affidavit praying that the editor of the petitioner sought release on habeas stenographer, nor was it made a part remand the petitioner to custody, in The Advertiser be cited to appear and show cause why he should not be sumpart of the record in any court. We versed, is also, to say the least, a nice charging in the affidavit that the edbeen presented on behalf of the peti- lation an insulting, contemptuous, contumelious, disrespectful cartoon or picture, a copy of which is hereto at-tached and made a part hereof, intending and meaning thereby to throw discase respect upon the Honorable George D. were before us on appeal, or, if the Gear, one of the Judges of said court, statute required the court in adjudging and the presiding Judge at both of the a contempt to explicitly set forth all trials hereinbefore named; and in said an act committed in a room near the tion in a ludicrous, etc., manner, and intermediate necessary findings upon cartoon or picture intending to and atwhich the final judgment is based, the tempting to represent the former acresult might perhaps be different. But tion in a ludicrous and disgraceful in the absence of such findings or of an manner of him, the said Honorable ed of an attempt to influence one who matter and intending to publish an- affirmative showing of want of jurisdic- George D. Gear, in his official and judicial capacity, as well as to prejudice term but before he was called for the ceedings in a pending trial tending to outside of the record, the judgment the case of said defendant in the minds of the public and jury trying said cause and that by reason of said insulting. contemptuous, contumelious and disre Circuit Court sat at the hearing of the spectful picture or cartoon, and intendcontempt case does not make the proceedings void. Whether they might evidence or proceedings in a pending properly all sit as a court, it is un-necessary to say. For, although dur-ing the earlier stages of the hearing and prevent the administration of jusand by knowingly publishing together as constituting the court, yet unfair report of the proceedings of the court, and malicious invectives against

### Board of Health to Experiment Now.

HE X-ray as a cure for leprosy is the latest experiment which undoubtedly the Board of Health will next attempt. There is also another cure which will be experimented with, that discovered by Professor Fulsen of that discovered by Professor Fulsen of Copenhagen, and some interesting results may be expected within the year. The two suggestions given above have the merit of being made by reputable physicians of Honolulu, Dr. George Herbert and Dr. W. L. Moore, and will consequently be given more attention than has usually been the case where the Board of Health is concerned. President Sloggett announced at the board meeting yesterday that he had already discussed the subject with the physicians and added: "It is up to us to do something in this matter new." A motion that the medical members of the board act as a committee to investigate the proposed remedies for leprosy was adopted. for leprosy was adopted.

THE COPENHAGEN CURE. The following is the letter of Dr. Moore calling attention to the Copen-

hagen experiments:

hagen experiments:

Dr. H. C. Sloggett, President of the Board of Health.

Dear Sir:—I wish to bring to the attention of the members of the board for consideration the advisability and practicability of attempting the amelioration and perhaps cure of certain leprous manifestations by the use of the apparatus devised by Prof. Fulsen of Copenhagen, and employed by him in treatment of lupus.

I believe that in the earlier and more superficial lesions of leprosy it would prove of decided value, perhaps modified to suit the conditions and taken in connection with other treatment, a great deal might be accomplished.

Respectfully,

W. L. MOORE.

THE X-RAY EXPERIMENTS.

Dr. Herbert's letter bearing on the

Dr. Herbert's letter bearing on the subject was as follows

C. Sloggett, President Board of Health. Health.

Dear Doctor:—There has been so much accomplished in the Eastern States and in Europe during the last year in the treatment of tubercular diseases of the skin, and subcellular tissue, by the application of the X-rays, and recognizing the similarity of this condition with that of tubercular leprosy, I wish to express an opinion that I firmly believe that experimentation scientifically conducted here with a good static machine and X-ray outfit, would not only be a proper and up-towould not only be a proper and up-to-date experiment, but also productive of results, the limit of which may be be-

The petitioner was sentenced to imprisonment for the term of thirty days for an alleged contempt of the Circuit court of the First Circuit and then brought this petition for a writ of habeas corpus to determine the legality we regard leprosy as due to systemic infection, but in so many cases it has proved self-limiting, more especially, of

course, in those forms that are char-acterized by neuritis.

Affected limbs have been amputated, and the patients had no sign or recurrence of disease. Patches excised, and no further developments. On these grounds ,therefore, I beg you to bring the subject before your honorable board for discussion. Fraternally yours,

GEORGE HERBERT

The committee appointed by the president to consider the experiments suggested by the physicians was Dr. Sloggett, Dr. Moore and Dr. Cooper, and they will be assisted by Dr. McDonald, the Government bacteriologist, and Dr.

#### KONA ESTATE IN GOOD SHAPE

Reports from Kona, brought by J. M. McChesney, who has spent the past month at the plantation, are most favorable and indicate that the period of uncertainty has been passed for the estate. The cane now being taken off, is entirely from the Holualoa lands, coniguous to the mill.

Owing to a scarcity of rain there has not been enough water on the upper lands for the purpose of fluming candown to the main line, but the prospects are for more rain very soon now. The mill is not entirely finished as some parts have been ordered from this city The railroad also needs some little work before it is done, but this is expected to be completed during the present

Up to the present time there have been manufactured and shipped some 4200 bags of sugar. This figure would have been much greater if the will had been complete. There has appeared no evidence of dissatisfaction on the part of the laborers, but on the contrary all the work is being pushed ahead and the men are getting what they are entitled to out of the sales of sugar.

While the progress of the planting for the crop of next year was delayed by the action early in the spring, there is much work being done for the crop of and the planting of this new land will the court and Jury tending to bring begin within the next two weeks. The land on which cane is now being cut will be cultivated for long rattoons for

(Continued on Page 4.)

### Agnew and Weday The Plans for the New Board of Health TheHarness Events Prepare for Battle.

Lon Agnew and Jack Wedny are tapidly getting into shape for their com-ing battle and will step into the ring on the evening of June 11 in the pink of condition. Already their work is beavordupois and from now on each fighter will aim to reduce his weight as little as possible.

Puglists the world over are always chary of giving their true weight to the jublic, preferring for some reason or other to have it believed that they seen either of the men weighed, but from the looks of them at present both are apt to weigh nearer 155 than 145 pounds next Wednesday evening.

Agnew is exercising at the headquar-

He has not had any regular sparring partner so far but has boxed with anyone who has happened along. A Cominsky, the Camp McKinley time. boxer who made such a good impression in a preliminary bout on the night

opponent worthy of his steel he is lected would enable the transports to leaving no effort unspared to get into the best possible condition. He is considered to get in launches or small boats and have them safely in their constants. fident of victory and his confidence is shared by his friends, who refuse to

Jaw," is training at Long Branch, Waikiki, and appears to be in fine fettle. Hardly as tall as Agnew, he has a reach as long and a record equally as good, being, when in shape, hard game for the best of his class.

Those who have seen Weday in the tion given out in San Francisco shows ring know nothing but praise for his that the Meade, which sailed from Marighting qualities. His best performable arrive in May, was sent by way of ance, perhaps, was about five years Nagasaki. This would indicate that ago, when he fought a ten-round draw Those who have seen Weday in the with Billy Gallagher, who was then at his best. He has a clean record in all his fights, never having been knocked out in his experience in the ring. For years he held the title of champion middle and welterweight of the navy In his boxing bouts at Long Branch he shows great hitting power and his foot work is of the best. He is cool at all

a transport and returned here from San Francisco for the express purpose of boxing Agnew. At present he is Count Rochambeau, General Lafayof boxing Agnew. At present he is sparring with Jimmy Fox, who may be seen in a preliminary event next American revolution, became active Wednesday. Fox is anxious to demonstrate that he is still a good man and is willing to accept any opportunity France by decree of King Louis XVI. is willing to accept any opportunity which may present itself to do so.

It is early yet to attempt to forecast the result, but one thing is certain, that Agnew will be kept busy from the ety.

The dinner this evening will be at sound of the gong. Any odds against Weday should be a profitable investment, but there is always the danger that should the "pet of the force" appear to be getting the worst of it at stop the contest.

Thompson, Billy Akers, Fred Muller of New York. and Jimmy Fox. He has fought draws and Jimmy Fox. He has fought draws with Harry Pigeon and Frank Purcell. oval table. Among the fighters who have caused him to strike his colors are Frank Mc-Connell and "Spider" Kelly.

Weday has met and defeated Joe Burns of Vallejo, Jim Morris, Australian Billy Edwards, whom he knocked out in five rounds; Tom Dunbar, chammiddleweight of Pennsylvania; Billy Cross, champion welterweight of Michigan, and Oley Freeman of Sagi-He drew with Jack Williams of Salt Lake City.

His last fight was at Los Angeles, where about a year ago he drew with Jim Trimble, after ten fierce rounds.

#### PREST. LOUBET **BACK FROM RUSSIA**

DUNKIRK, France, May 27.-The French squadron of warships which recently visited Cronstadt, Russia, as an escort to President Loubet, arrived nere today. M. Loubet landed at noor He was welcomed by the mayor and received an ovation from the populace. The President proceeded to the Chamber of Commerce and, at a luncheon subsequently, he expressed his delight at the extreme cordality of the wel-come extended to him by both the Im-perial family and the people of Rus-

The strengthening of the bonds uniting Russia and France would, he beleved, have the beneficial effect of causing Frenchmen to forget their own differences, which were more appar-ent than real, and to turn their united attention to financial, economic and social problems urgently requiring set-

tiement.

President Loubet concluded with drinking a toast "To the reunion of all Frenchmen."

# SOLDIERS

## U. S. Quarantine Hospital.

Kunhua Island, in the Pearl Harber to the recently secured by the quarantine officials from the fushop Estate for use as a station in their service, will be the place of detention for any soldiers she may be brought here by a transport, and who must be taken care of an account of disease. There have been received and stored at the head-convictor of the detent our terms at the quarters of the depot quartermaster 300 hospital tents, which will serve to shelter men forced to be detained

The move made by the two departor other to have it believed that they will enter the ring considerably under the weight limit provided in the articles of the match. Messrs. Weday and Agnow are no exceptions in this respective forms of the government has for its object the making ready of a station for an emergency which it is believed may arise at any time. The presence of disease in San Francisco and Manila, since transports now stop here going and returning, makes it possible at all times that there may be the never life pounds. The writer has not seen either of the men weighed, but for a time. It was the purpose of having a camp where contagious dis-eases might be handled without any possible contact with the city, that prompted the securing of the island and the shipping of the tents.

ters of the Honolulu Athletic Club and is said by those who saw him on the mainland when in his prime to look as nearly 3000 men. They are of the hoswell today as they have ever seen him. He has not had any regular sparring with them there is now held in storage a full supply of accessories, so that in partner so far but has boxed with anyone who has happened along. A Chicago man named Harry Bennett who is rather clever with his hands has pacity was due to the desire of the derecently put on the gloves several times with Agnew. This same Hennett is care for at least two ship loads of men booked to spar a preliminary to the if there should be disease break out main event of the evening with "Sol- upon that number of transports at one

The decision to use Pearl Harbor as the site for the station for the isolation of contagious diseases, should there be when Jimmy Fox went down before Agnew.

The policeman is doing considerable road work and is a firm believer in the virtue of that kind of training. Realizing that in Weday he will meet an opponent worthy of his steel he is out there being any contact with the land. This would prove the best posdated by his from a single moment, sible quarantine for Honolulu, and it is the idea of his being beaten.

Jack Weday, "The Man with the Iron day," is training at Long Branch, Wai-

vent the coming into the city of a single man who was in the ship. office The local quartermaster's office is without information as to the plans concerning the future route to be taken by the returning transports. Informaan and the transports will take that route back to San Francisco

#### THE SOCIETY OF THE CINCINNATI

NEW YORK, May 27 .- Members of times, never letting an opportunity pass the Society of the Cincinnati, founded to land for effectiveness.

Weday went to Manila as fireman on

ette and more than 250 other French officers of high rank who fought in the Count Rochambeau, whose statue has just been unveiled at Washington, was the vice president of the French soci-

tended by about 125 persons, and will be confined exclusively to members of the Society of the Cincinnati and their

official guests, as follows:

Members of the French mission and any stage of the game, the police may embassy, President Roosevelt's commission, Admiral and commanders of ships in the North Atlantic squadron Agnew's ring career began in the early '90s. Among the men he has whipped are Joe Sullivan, Jack McCormick, Jim Looby. Jim Bobleson McCormick, Jim Looby. Jim Bobleson of the United States of the Army and navy of the United States of the Inited States of the Ini mick, Jim Looby, Jim Robinson, Harry York and at West Point, Major Gen-Watson, Corley, "Milky" Pete, Bob eral commanding the National Guard

Nicholas Fish, president of the New York Society of the Cincinnati (former-ly United States Minister to Belgium and Switzerland), and General James M. Varnum, vice president of the Rhode Island Society of the Cincinnati, will act as chairmen

Six tousts, three in French and three in English will be drunk. The response to the final toust, "The Institution of the Order of the Cincinnati," will be an accurate historical account of the connection of France and the officers of the state of the s of the army and navy of France with

#### Honoluiu Man Engaged.

BERKELEY, May 26.-An engagement announcement of interest to college society is that of Miss Rita M. Beatty to Ernest B. Clark, both of this Beatty to Ernest B. Clark, both of this city. Mr. Clark has been residing in itonolulu for some time, having been prominently connected with a bank in that city. Miss Beatty has just been graduated from the College of Social Sciences of the University of California, and expects to teach for a year or two before her marriage. She has a large circle of friends in the college town and is a member of the Alpha town and is a member of the Alpha Sigma Sorority. Mr. Clark is the son of the late C. K. Clark of 2534 Piedmont avenue. He is home for a short visit with his relatives in this city.

#### Cholera Sweeping Manila.

MANILA, May 27.-Captain Charles Russell of the Eighth Infantry is dead. He was the first officer to die of chol-

There have been 25 cases of cholera and 20 deaths among the Americans and 13 cases and 10 deaths among the European population. The cholera to-

Manila, 1165 cases and 93 deaths: Miss Hyde contributed provinces, 55,001 cases and 2878 deaths: which was well received.

## GONG WILL FOR SICK MAY BUY THE PROBABLE "ECLIPSE"

## Has Option On It.

(From Wednesday's daily.)

If Supt. Boyd follows out the supgestion of the Board of Health, the long vexing question of transportation to Molokai will be settled. At yesterday's meeting of that body a proposition was received from the Hawalian Navigation Company to sell to the heard the gaseline schooner Eclipse for 112,000. The schooner according to the offer submitted, is but two years old, and was built at a cost of nearly \$20.

President Sloggett expressed himself in favor of the purchase of some sort of vessel for use in transportation between Kalaupapa and Honolulu, but stated that though the legislature had appropriated \$20,000 for this purpose, it was impossible for the board to act. This amount is in the hands of Supt. Board, and can be expended only under Boyd, and can be expended only under his direction, as the vessel was to be under the supervision of the Department of Public Works. Consequently the matter of the purchase of the Eclipse was referred to Mr. Boyd for

such action as he sees fit.

A petition was received from Molokai signed by three or four lepers, asking that Dr. French be retained as the permanent physician at the settlement His appointment was only made until an Eastern medical expert could be se-cured, and the inmates of the settlement say that by his kindness, ability and care Dr. French has won their good will, and they want him perma-nently retained. The petition was placed on file.

The report of the Board of Medical

Examiners recommending Yamada for a certificate to practice was adopted. The petition of C. J. Fishel for a re-

versal of an order of the sanitary offiidence at Lunalilo and Piikoi streets with the sewer, was denied. He is also ordered to make plumbing repairs, which he is willing to do, but states that it is almost impossible to connec with the sewer at this time. The board took the view that as other property owners in the same neighborhood were complying with the order of the sani-tary inspector, no exceptions should

be made F. C. Smith reported adversely on the claim of Dr. Oliver for one month's extra compensation for services at the settlement. He stated that the agreement to give him one month's notice was made by the president of the board over ten years ago, and was not bind-ing on the present board. He said fur-ther that the auditor would not pay the salary unless the board certified that services had been actually perform-He reported favorably for the four days' allowance claimed by Oliver for showing Dr. French report was adopted. French his duties. The

Mr. Isenberg, reporting upon the building at Pauoa and Nuuanu streets, said that he was arranging a settlement between tenant and owner by

which the sanitary improvements or-dered would be made.

A bill from Robertson & Wilder for \$50 for defending the suit against Dr. C. B. Wood, brought by Japanese la-borers at the detention camp during the plante was referred to the Atterthe plague, was referred to the Attorney General,
Food Commissioner Shorey reported

that one of the milk wagons of the Manoa ranch had also been carrying swill on the same vehicle, and he desired to know how to prevent such vio-

lation of the health laws. The matter was referred to the Attorney General. The application of R. Ichikawa for permission to sell drugs was laid upon the table, as the board held that it was not concerned in the granting of such

The following report was made by Or. Cofer of the health conditions in the Orient:

Honolulu, Hawaii, May 31, 1902. the Executive Officer, Hawaiian Territorial Board of Health, Hono-lulu, Territory of Hawaii. the health

Sir:-I have to report the he conditions in the Orient as follows: Hongkong, two weeks to May 5th, 1902—Cholera, 62 cases, 56 deaths; smallpox, 7 cases, 4 deaths; plague, 23 cases, 31 deaths. Respectfully

(Signed) L. E. COFER.
Passed Assistant Surgeon, M. H. S.,
Chief Quarantine Officer, Territory

There were present at yesterday's meeting of the Board of Health, President Sloggett, Dr. Cooper and Messrs. Isenberg and Smith.

#### WILL PUBLISH JUBILEE PAPERS

The adjourned annual meeting of the Mission Children's Society was held last evening at the residence of J. B. Atherton, The greater part of the meeting was devoted to a discussion of the financial affairs of the organization and to determining what shall be the course of the society in the future with respect to its appropriations for the various educational institutions which it has been aiding for many years.

thors, as well as printing general reports. This was adopted. It was also decided to publish in the same annual report the names of all the members of the society, together with the names of

the fathers and mothers.
Treasurer Dickey read the financial sources, including special donations, were \$1278.95, and expenditures \$1205. leaving a balance of \$72.95. There was still a deficit of \$1625 for the support of educational institutions. It was voted to appropriate for the coming year only the amount of the deficit for the past year, as well as a sufficient sum for publishing the annual report, supporting the Pleasant Island Mission, under Mr. De LaPorte, to the extent of \$150. Miss Hyde contributed a plane sole last night. The orchestra was in splendid form.

## Closed Last Night.

The entries in the harness events of the Hawaiian Jockey Club's coming closed last night, but Secretary Crabbe stated to a reporter of this paper that he was not at liberty to make them public as they would not be opened until next Monday afternoon. entries in the running races will not close until Saturday afternoon in order to allow G. S. McKenzie to arrive from Hilo and make his entries in per-

The harness events, it is safe to say have filled better than in recent years. and the following list will be found to be not far from the mark:

Free-for-all-Waldo J., Wayboy, Edna G. Gentlemen's driving race — Steam-plough, Edna G., Frank Murphy, Waita-Little, Violin, Abdine, Tout, Los An-

Hawaiian bred-Edith B., Boswell, Jr., Leahi, Madeline. 2:30 class—Albert M., Oak Grove, Cylone, Billy Lemps, Steamplough, Dauty

Rhodes 2:24 class-Directress, Edna G., Los Angeles, Steamplough, Oak Grove, Cy-

2:14 class-Abdine, Wayboy, Violin. Captain Soule's little trotter Artie W. has been taken away from the track, as he failed to show enough speed to warrant his being entered. This is to be regretted for Captain Soule is a good sportsman and one whom it would

be a pleasure to see own a good horse Boswell, Jr., and Tout, the horses which arrived from Kauai on Saturday, are stabled in town and have done nothing so far with the exception of being jogged on the road. Tout, a probable starter in the amateur event, is a

racing looking bay gelding. Weller works today and it is probfor granted as far as the sorrel is conerned.

and it is extremely improbable that he will face the starter.

ed Watercress simply are up the track and J. O'Rourke was able to send a very flattering report back to friends in Hilo.

Alta Stacy, Amarino's opponent, orked three-quarters in 1:25. On Monday Nullah negotiated five

furlongs in 1:031/2.

done by the runners yesterday was that at 9 a. m. on Sunday morning, when a apportioned to Del Vista, the mare in large amount of red ashes and sulphur Burns' stable of which great things are was emitted. The second explosion ocexpected. Her trainer smuggled her curred Sunday at noon, and was of onto the track about noon and she was much greater force than the first, endthat she had left her stable.

The sorrel started off at a great clip. three-quarters in 1:17. She could not ceived a third message from Manage final furlong of the mile, finishing very the volcano was still spouting forth tired in 1:46. Before her performance smoke and steam in huge volumes. He yesterday it was considered probable looks for an early outbreak. that she would give Weller a race for the Rosita cup, but her latest showing tourists who had been at the Volcan

Rejected joined in with Del Vista in the last half mile yesterday and the old

Despite the fact that Cyclone has a Despite the fact that Cyclone has a teg as big as a pineapple, the black keeps on working along in 2:26 and condies of date of June 2 to 4 or 5 that firms The Advertiser reporter's oft-ex- there had been another eruption. He

Bob Ballentyne will work Molly Coniors and Amarino today.

John Callan's stable is rapidly getting to resemble the headquarters of a

The jockeys have started reducing and from now on the peaceful residents in the Hawalian volcanoes. The first strange spectacle of George Thomas Piggott, "Pemi" Fears, Jim McAuliffe and other knights of the pigskin pedestrianizing at a pace faster than a walk Yesterday was a glorious day for their initial hike and the boys appreciated it in large drops.

A week from today will see the commencement of Honolulu's racing feulval and as a general thing the final work will be done next Saturday. Already the advance guard of racing men from the other islands has begun to ar-

CHOLERA MORBUS A DANGEROUS DISEASE.

In many instances attacks of cholera morbus terminate fatally before med-icine can be procured or a physician summoned. The safe way is to keep report for the past year. The balance at hand a reliable medicine for use in from the previous year's account was zero. The total receipts from all nothing so sure as Chamberlain's Colic. Cholera and Diarrhoea Remedy. W. E. Bosworth, of LaFayette, Ala. U. S. A. says: "In June, 1900, I had a serious says; "In June, 1899, I had a serious attack of cholera morbus and one dose of Chamberiain's Colic. Cholera and Diarrhoea Remedy gave me relief in fifteen minutes." For sale by all deal-ers and druggists. Bensen, Smith & ers and druggists. Benson. Co Ltd., agents for Hawaii.

Amateur Orchestra held a re-

## So Different

Lots of Clamis Like This, But so Different-Local Proof is What Honolulu People Want.

There are a great many of them. Every paper has its share Statements hard to believe, harder to

Statements from far-away places. What people say in Florida Public expressions from California. good endorsement there. But of little service here at home. Honolulu people want local proof The saxings of neighbors, friends and ITIROTES.

Home indersement counts It disarms the skeptle, is beyond dis

This is the backing that stands be hind every box of Doan's Kidney Pills. Here is a case of it:

Mr. Cyrus S. Edison of Kapiolan Park, this city, says: "I am at present a teamster and came to the Islands ofteen years ago. Previous to that I drove a stage coach in the United These occupations necessitat ing my being out at all seasons were no doubt the cause of my kidney disorder. I had the ordinary symptoms of this complaint, and resorted to a host of things to cure it. All of them failed to do so, however, and when I had almost given up hope I heard about Doan's Backache Kidney Pills and got some at the Hollister Drug Co.'s store. They did indeed relieve me and I am quite satisfied with the benefit they

have been to me." Doan's Backache Kidney Pills are for sale by all dealers; price 50 cents per box (six boxes \$2.50). Mailed by the Hollister Drug Co., Honolulu, wholesale agents for the Hawaiian Islands.

## **KILAUEA** THROWS UP **RED ASHES**

Reports brought yesterday by the able that he will be sent a good mile. Mauna Loa leave little doubt of an He is a lazy horse and will not exert early volcanic cruption at Kilauca. On humself unless in company, so unless Sunday, according to Manager Waldron he succeeds in hooking up alongside of the Volcano House, there were two something on the track Prince David explosions at the volcano and Kilaues will, perforce, have to take a good deal sent up clouds of red ashes, sulphur and smoke. There is no longer any doubt among the people in the imme-Socialist is on the sheif, dead lame, diate vicinity of the volcano that there will be an outbreak at an early date, though there are no fears as to the Yesterday morning in the presence of results, and no apprehension of dan-his owner, Carter Harrison, Jr., went ger. Smoke and steam are still arising a mile in 1:46%, going to the six-fur- in great volumes and from these relong pole in 1:174. The son of import- ports it is not unlikely that the volcano is even now in eruption.

Purser Simerson of the Mauna Loa, which arrived early yesterday morning from Hawaii, states that he received two telephone messages from Manage Waldron, telling about the doings of the volcano on Sunday. The first came to him at Honuapo and Manager Wal-By far the most interesting work dron stated that an explosion took place off and away before anyone was aware ing out a greater quantity of ashes and sulphur. Only a slight trembling of the earth was noticeable. At Kailua on going to the half in :511/2 and to the Monday morning Purser Simerson recarry her speed, however, and, as in Waldron, saying that there had been previous work-outs, died away in the no further action at Kilauea, though

nips that fond theory in the bud and it House with the expectation of seeing looks as if for a second time Prince an eruption, but who had departed a David's horse would appropriate the few hours before the first explosion oc

curred. PROFESSOR LYONS PREDICTS.

Professor Curtis J. Lyons, in speak horse galloped away from the mare ing of the recent dispatches from Martinique, said yesterday that it was in pressed opinion that Quinn's horse is points to the coincidence that at the the best lame horse that has ever present time the atmospheric conditions are practically in keeping with volcanic disturbances, and that the same causes which produce the sultry weath produce such eruptions. swell mainland racing string. The lat-head. The moon is new at this time The moon and sun are just now over est improvement is the working of the and Professor Lyons would not be surprised to hear that by July 4 or there abouts there was considerable activity eruption of Mont Peles took place about the time the new moon was showing, and again an eruption took place when the moon was at the full.

Speaking of the showers of ashes that are reported in the explosions at Kilauea last Sunday, Professor Lyons says that this is quite unusual. states that Kilauea has generally welled up with lava.

Thomas Prime of Birmingham, Enland, who gave quite a number of inhas been aiding for many years.

A report was read by Rev. O. H.

Gulick recommending the printing of the five papers read at the Jubilee, accompanied by the likenesses of the authors, as well as printing general re
tive and a visit to the track any morning this week will convince the most skeptical that Hawaiians have still a warm corner in their hearts for the sport of Kings.

The sub-resting fectures on Theosophical Society. Thursday evening will be sport of Kings. ject tomorrow evening will be The Planetary System."

\*

We are now prepared to difplay our new time of FURNIS TURE. The latest strice, direct from the Bastern factories.

Among the many things are BEAUTIPUL GENUINE MA-HOGANY DRESSELS AND DRESSING TABLES. There are from a HIGH GRADE factory. and are made of selected chains

## Parlor Chairs and Rockers

IN SOLID MAHOGANY, GOLDEN OAK AND CATHE-

## **Morris Chairs**

GOLDEN OAK AND WEATH-ERED OAK.

These are only a few of the many things that we always keep in stock. While we handle a full line of Fine Furniture, we also keep a complete assortment of medium and cheap furniture, to suit all the trade. "Furniture to please everybody"

## J. Hopp&Co.

LEADING FURNITURE ...... DEALERS ...... Corner King and Bethel Sts.

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#### INSURANCE

Theo. H. Davies & Co.

AGENTS FOR FIRE, LIFE AND MARINE INSURANCE.

Northern Assurance Company

OF LONDON, FOR FIRE AND LIFE. Established 1836.
Accumulated Funds ... £3,975,600. British and Foreign Marine Ins. Co

OF LIVERPOOL, FOR MARINE. Capital ......£1,000,000 Reduction of Rates. Immediate Payment of Claims.

THEO. H. DAVIES & CO., LTB. AGENTS.

## Our Soda Water GINGER ALE, CREAM SODA

KOMEL, ROOT BEER, Etc. Is sweetened by the use of pure cane sugar. We use no cheap substitute, ONE REASON WHY

the most popular. Prompt delivery anywhere and everywhere in the city and Wai-

our beverages are the best and

#### Consolidated Soda Water Works:

COMPANY, LTD. Telephone Main 71. Works 601 Fort street.

John Herbert d'Almeida, a British subject born in the East Indies, was naturalized by Judge Estee yesterday.

## How To KEEP COOL

Don't work. Breathe often. Walk slowly. Don't get angry. Don't consult the thermometer every five minutes. Wear just as little clothing as you can without injuring your standing in society and drink cold

PRIMO LAGER

Orders from Brewery delivered promptly. Telephone Main 341

## For Repair of Streets.

the situation will be overcome and the Mr. Turner states that there are rd from the original Bahama stat duced to return to the fields.

Streets in all parts of Honolulu may be Waimes side of Kanal. The tract be- Marsien was Commissioner of Agricula ber of Japanese in the Japanese hotels.

One of the new quarries is located on Government land near the head of Panedlate vicinity

A third quarry site has been obtained at Kalihi, in the Kailulani tract, the property being owned by W. C. Achi. The fourth new quarry site is leated at Kahauiki, on land belonging to the Federal Government. Both these latter quarries, which are not owned by the Territory, were obtained without cost, excepting that the roads leading to these places must be repaired. With these four new quarries, in all of which the rock is adapted for use as macadam. Superintendent Boyd believes he will be able to take care of all the street improvement now contemplated in Honolulu. It is not the intention of the department to place permanent stone crushers at these new quarries, but the portable crusher will be moved from one to the other as fast as stone is needed in the respective dis-

#### FATE OF ANDRE IN THE NORTH

#### Believed to Have Been Killed by Hudson's Bay Eskimo.

A correspondent writing from Can-ada says: "Australians will be, no doubt, interested in the confirmation of the news of the death of the Swedish of the news of the death of the Swedish explorer, Herr Andre, and his associties, who were killed by Eskimo in the wilds of Northern Canada. The report was given on an Indian story two years ago, and the Hudson's Bay Company requested the manager of its most nertherly post, Fort Churchill. on fludson's Bay, to investigate the story. Mr. Alston, in charge of that post, has written than after two years' search the men sent out by him have returned with a report similar to that given before. Traces of the daring balloonist and his associates were followed before. Traces of the daring balloonist and his associates were followed
for hundreds of miles, but it was impossible to locate the tribe who caused
the death of the polar explorers. It
seems that the Eskimos report that
they saw "Omiak," which in the native tongue typifies the largest of their canoes, floating in the air. When it settled to the ground three white men settled to the ground three white men strangely dressed came out with guns which they indiscreetly fired. Andre and his associates were killed with cuskee bows, and everything of value was taken. The searchers found tobacco, knives and cartridges supposed to belong to Andre in possession of one of the most northerly tribes, but could get no other information. News that Andre undoubtedly met his death in this manner has been forwarded by the H. manner has been forwarded by the H. E. Company to the Swedish govern-

## REHEARSING THE

REHEARSING THE
ROYAL PARADE

LONDON, May 27.—A full rehearsal of the coronation procession along the whole length of the route from Bucklopham Palace to Westminster Abbey and return took place this morning. The attendants and the horses were practically the same as will take part in the parade of June 26. The vehicles were plain coaches and brakes, representative of the elaborate state equipages which will be used on Coronation day, and grooms and outriders represented the notable personages who will ride in attendance on their majesties. The first nine carriages will be occupied by members of the British Royal family. They will be followed by vehicles containing their suites. The great state coach, which will come last, was represented today by a big brake drawn by the eight cream-colored Hanoverians which figured in the procession along the bananas, and for a time, cane planters were much concerned as to what was to be the outcome of it; it looked very black indeed for them. I looked very blac drawn by the eight cream-colored Han-overlans which figured in the procession at the time of the late Queen Vic-toria's jubilee and on the occasion of her funeral. The horses today were plants but to their own disease-stricken crimson Morocco harness with heavy gilt fittings and ornamentation, which is being made for the coronation. The rehearsal included the picking up of passengers at Buckingham Palace, their alighting at Westminster Abbey, etc.

#### WHOOPING COUGH.

My little son had an attack of whooping cough and was threatened with pneumonia; but for Chamberlain's Cough Remedy we would have had a serious time of it. It also saved him from several severe attacks of croup.—H. J. Strickfaden, editor World-Hersid, Fair Haven, Wash., U. S. A. Forsale by all dealers and druggists. Benson. Smith & Co. Ltd., agents for Hawaii.

The Ferreira habeas corpus case will come up before Judge Gear today. There will very probably be another application for a continuance on the part of the petitioner.

## FOUR NEW FIVE HUNDRED ACRE SISAL JAPANESE PLANTATION FOR KAUAI

#### Supt. Boyd Prepared Land on Waimea Side of Garden Isle Near Planters Now Securing Seashore Found Excellent for the Cultivation of Fiber.

### was Valley, and the rock from here what IS GOING ON IN THE SOUTH PACIFIC ISLANDS

OUVA, Fiji, May 21.-On arrival of were constitutionally stronger than S the R. M. S. Miowera from Sydney the passengers who were destined for Suva were landed at the quar-antine depot at Naikorokoro, to termi- of bananas could be raised in a few nate their ten days' quarantine from the time they left Sydney. A passenger who happened to board the ship at Brisbane was detained a day longer. This is one of many foolish arrangements of quarantine now existing here. FIJI SOCIETY.

We have been so very gay for two weeks past that all thought has been impossible-if one is ever supposed to think. Since the arrival of the cable steamer Auglia, dinners, luncheons, dances and ping-pong have been the order of the time. The citizens' ball on the escutcheon of a white Australia. But because New Zealand has the Maoris ever with her, that tri-insular colony could well assimilate the South the most successful ball of the year. Sea island natives in a federation with-the schoolroom was given for the oc-casion and the weather was propitious, ency or incongruity. Mr. Barton does while the committee in command were not agree with the "oversea" Premier. as happily selected as usual. A special table for refreshments was reserved for the administrator and party, where 'Nectar and Ambrosia" were supposedly served, but the "manna" for the common herd was dainty, varied and delightful enough to tempt the most many. The fact that New Zealand has jaded appetite. A list of the guests Maoris does not affect the marrow of would be exhaustive, and you can just the question, which is one not of abordepend that all Suva was present in iginals but of immigration. If that is the best attles.

day, April 30, extending over many sec- ney Morning Herald. onds. The "shake up" appeared to be from north to south. Another intimafrom north to south. Another intimation from the same quarter is to the effect that the rainy season is an uncertainty prolonged one for the district, markable of its kind that Nature has and that while the crops are benefited thereby, a great deal of inconvenience is experienced by residents from this

years ago, when the banana groves on done so the person parting with it has the lower Rewa were a sight worth godoubled his money. It is now owned ing many miles to behold, until they by a syndicate of Australian gentlewere attacked by that fell destroyer men, who value it at £10,000. were attacked by that fell destroyer

tically immune.

plants but to their own disease-stricken fields, from which they picked what-ever healthy plants they could find. The fact of their remaining healthy amongst disease, was proof that they

years' time by the same process, i. e., the selection of healthy plants from diseased fields, not young fields, but fields, say, about three years old. It would of course be very important to see that the whole stool from which the selection is made is perfectly healthy. I am, etc.,

A BLACK PATCH. Mr. Seddon holds that Australia could not embrace Fiji in the Commonwealth, because it would make a black patch don says entirely disposes of the ques-tion. "New Zealand has the Maoris," he states, "just as we have the abor-igines, with whom we have to deal as the original occupiers of the land, even if they were ten or twenty times as many. The fact that New Zealand has EARTHQUAKE SHOCK.

A correspondent writing from Lautoka states that a severe shock of So I do not think the Maori question
earthquake occurred there on Wednesday. April 30, extending over many sectext Morning Herald.

FREAK PEARLS.

occuries an absolutely unique position. It consists of nine pearls, naturally grown together in so regular a manner A BANANA DISEASE.

The Fiji Times prints the following citer:

Sir: With your permission I would be schooner Ethel, the owner being a Sir: With your permission I would like, through the columns of your palike, through the shell was opened both men were filled with amazement and awe. Kelly regarding it as some heaven-wrought miracle, buried the pearl, but it was re-discovered in 1874, and the disease which has devastated our the disease which has devastated our the disease. The pearl has changed The writer remembers some fifteen hands many times and each time it has

AUSTRALIA'S SANITARIUM. Of all the picturesque islands of the South Pacific, there is not one that exceeds Ovaiau in beauty. The wonderful combination of tropical wealth of vegetation, the feathery palms, variegated foliage, and brilliant hue of flowers, is thrown the more into prominence by the steen baselitic cliffs and reads. by the stern basaltic cliffs and peaks and an ideally picturesque landscape, from what side soever we view it, is the result. We have heard more than the result. We have heard more than one passing traveller remark that the first view of Levuka and its picturesque background revived "Paul and Virginia" in the mind, not merely as a reminiscence, but seemingly, actually as a realization. Levuka has only to be more widely known to be better appreciated, more especially as its climate certainly from April to October, is the most perfect in the South Pacific, and no other island can compare with it in point of salubrity. It is a perfect sanitarium for Australia and New sanitarium for Australia and New Zealand, and, as it becomes better known, so it will become more fre-quented. We call attention to an ad-vertisement re the Royal Hotel and its picturesque and splendidly appointed cottage, which is indeed an ideal resi-dence for young couples on their hon-eymoon as well as for families. But, as it is in constant demand, it is ad-visable that at least a month's notice should be sent to the proprietor Mr. R. should be sent to the proprietor, Mr. R Stokes, by persons desirous of renting the cottage. 

#### American Exchange Smashed.

NEW YORK, May 27.—The American Exchange has been smashed by an angry mob, says a Paris dispatch to the American and Journal. The proprietor, Donald Dowie, formerly of New York, had an altercation with one of his man, drove up to the police station in French employes. The latter was a hack and stated that he had been slightly intoxicated and refused to leave shot. the premises, whereupon Mr. Dowle caned him severely. An angry mob the thumb and first finger, apparently quickly gathered, as is usual in Paris, from a builet wound, and the man was and seeing blood flowing from a sent to the Queen's Hospital to have Frenchman, the crowd began by smashing the windows and finally wrecked the place. During the excitement 1000 people collected in the Rue ed to care about being sent to the hos-

#### PAKE SHOT.

Minus Part of His Hand.

About midnight Lee Hing, a Chinaman, drove up to the police station in

by his injury attended to. Lee Hing refused to say where or by whom he had been shot and only seem-

## Large Numbers of Them.

Pollowing out the plan of public improvements on streets, Superintendent and shipments of builts will be above sea level. While it is very hot above sea level. While it is very hot above sea level. While it is very hot and dry there during the day, there will always be sufficient moisture rist ket which existed at this time last works has completed arrangements for the use of four new quarries, which will turnish material for this work. The rethe use of four new quarries, which will furnish material for this work. The refusal of the Board of Health to permit is operation of the asylum crusher and quarry has cut off from the defection of the best supply of macadam is had, but by the acquisition of these tew quarries many of the difficulties of the situation will be overcome and the

streets in all parts of Honolulu may be natioused uninterruptedly. The Makiki amary will still be used and the rock from there will supply the Punchbowi district. The department will also open up a new quarry in that vicinity is be worked for the streets nearby.

Waimen side of Kanal. The tract be-Marsden was Commissioner of Agriculture.

The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture.

The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of there is any lack of able-bodied labor-ture. The sisal land described by Manager there is any lack of there is any lack For instance, in one hotel on Monday there were about 50 of these laborers. Yesterday the same hotel contained an entirely different set of men. The reason for this is that most of the original 50 have agreed to go to various plantations and many are now on the way. Other laborers, returning from various islands, or from plantations on this island, have come in and taken their places. In a few days these latter la-borers will probably have found em-ployment on other plantations, and so

ployment on other plantations, and so the change goes on.

One of the peculiar traits of the Japenese is that he has a distinct liking for moving from place to place. Instead of remaining for any length of time on one plantation, he sacrifices time and consequently wages by giving up one job, coming to Honolulu and looking around for another. The friendships among the Japanese are strong. looking around for another. The friendships among the Japanese are strong,
and when a Japanese leaves a plantation for another, his bosom friend soon
longs for his companionship and the result is another migration until the
friends are reunited.

The agency has been very successful
in diverting laborers and preventing
them, in a measure, from remaining too
long away from plantations. The

long away from plantations. The agents feel that the labor situation has now calmed down to a basis where the planters can look for available supplies of laborers from month to month.

#### M'KINLEY FUND CERTIFICATES OUT

Governor Dole Will Sign More of Them on His Arrival.

Until the return of Governor Dole there will be no more certificates of contributions to the McKinley memorial fund issued. The supply signed nhead by the Governor, before his departure for Washington, has been used up and there are several subscribers who have not yet had their certificates. As soon as Governor Dole gets back to his desk he will sign such a supply as will enable Treasurer Cook to send out receipts to the subscribers.

Owing to the fact that there will be in the proposed pleasure grounds facilities for the various sports which are in vogue here, the committee which has in hand the raising of the funds proposes to endeavor to arouse interest among the various societies, and also in the several business have young men who take part in sports as a body. The plan is to try and induce rivalry in subscribing for the creation of a perfect pleasure ground, among the men who will use it. The houses of Hackfeld & Company and Davies & Company, where the house, will be canvassed and an effort be given to the club or organization made to arouse a spirit of emulation which gives the greatest support.

among the clerks and other employes

The same spirit may be attempted to as to secure subscriptions to the be aroused between houses of similar people as quickly as possible.

## THE MAN FOR ME!



#### The Happy Man! The Man With Force! The Man With Grit!

The man whose look and action show him to be one of nature's models, the man who grasps your hand with a strength and a smile that say, "I am a man." Show me the man with confidence in himself, the man who does not hesitate to do what he thinks is right, and I will show you a man you

I ADMIRE MEN OF POWER!

And I have devoted my life to developing them. I know that Electricity is the force that makes vitality, and I use it to build up mm who are nervous, hostinting, sleepless failing in memory, losing self-confidence, weak in heart and stomach, losing youthful ambition and conrage. Men like that, or those with pains in the back, rheumatism, scialics are hose other troubles which follow a loss of nature's vital power, I can cure, I can make them feel young, strong and energetic with my Electric Bell. If you are such a man come to me. My belt is in a class by itsell. I take the other kind in trade Get my book. It has facts you will be interested in. It is free if you enclose this ad.

DR. M. E. McLAUGHLIN, 906 Market Street. San Francisco, Cal.

## Black Vici Kid Shoes at \$3.50

We can show you something handsome in Vici Kid Shoes. They have style, grace and comfort, fit perfectly, wear well and are the best shoes you can get for the price. What better can we do than this?

Manufacturers' Shoe Go., Limited 1057 FORT STREET.

#### CALIFORNIA CANNED FRUIT

The most favored country in the United States in growing fruit, is California. Its valleys produce the most delicious varieties, and the choicest product of the most favored localities is gathered and packed for our store under our "Fidelity" and "Creme de Luxe" labels.

The Fidelity represents the highest standard or extra quality of medium size, perfect fruit, in heavy syrup.

The Cream de Luxe covers the dessert grade of extra large fruit.

particularly adapted for export, being firm fruit that will arrive whole in best condition. Prices on both grades are quoted in our price list-

We pay particular attention to uniformity and selecting the finest flavored fruit to be had, as there is a vast difference between the fruit of different localities.

Our experience of twenty years in shipping to individual consumers is at your service.

Smiths' Cash Store, Nos. 25-27 Market Street, San Francisco, Cal., U. S. A.

largest possible amount. There may be character in the city. The banks, the young men take part in football and adopted a plan for some banner or mills and other business institutions other matches under the name of the cup, to bear the name of the park, to will be aroused and the result may be



## Read what Mr. Paul Isenberg says:

Honolulu, T. H., April 22nd, 1902.

Pacific Hardware Co., Ltd., Honolulu, T. H.

DEAR SIRS: -The presence of the horn-fly pest in my herd of milch cows has been a cause of serious apprehension to me, both on account of the consequent deterioration in the condition of the cattle and the reduced production of milk. I am peased to inform you that the application of the So Bos-So Kilfly, which I purchased from you a few days since, has already resu ted in a decided improvement in the condition of the cattle, as well as an increase of 20 per cent in the quantity of the milk produced, before the application of the Kilfly. Very truly yours, PAUL R. ISENBERG.

## So-Bos-So Kilfly Is a Liquid Mixture

designed to protect cows and horses from torture of flies. The preparation is positively harmless It is used with splendid results as a disinfectant and germicide. The Electric Sprayer discharges the So-Bos-So (Kilfly) in a fine, broad spray. From 30 to 50 cows can be sprayed in a few moments. The Electric sprayer is de-

tachable, and thus may be thoroughly cleaned.

If your animals are troubled with lice, use So-Bos-So (Kilfly). It knocks them out. Spray your poultry house with So-Bos-So (Kilfly). It kills lice or any vermin that may infect the fewls. Sufferers from the Horn Fly should give Kilfly a trial. We are sole agents for the Territory of Hawaii.

Pacific Hardware Co., Ltd.

## miun Guzette. ored at the Postoffice of Honolulu,

BEMI-WEEKLY CONTROL STEEDANS AND PRIDAYS WALTER G. SMITH, EDITOR.

> UBBURIPTION RATES:

-Payable Invariably in Advance.

A. W. PEARSON,

FRIDAY :

#### FITNESS AND AVAILABILITY.

It is one of the defects of popular government that the question of fitness in a candidate for office is not regarded so closely by nominating bodies as the question of availability. When a given man's name is mentioned for a high elective post the first interrogation is; "Can he carry this or that district." The proper query would be: "Could he make a good showing in the office he seeks?" but this is not heard save among the finical if not crabbed few who look upon politics, not as an end, but as a means to an end. Everything centers on the carrying capacity of the individual, not upon his talent, his industry, his sense of honor, his eloquence, his skill or his strength in the handling of public questions.

It gives one a shock to find so universal an acceptance of this rule in the United States, particularly in the framing of legislative and Congressional tickets. Now if there is any business which calls for the trained and informed mind, the honest heart and the broad view, it is the business of framing the control of government.

broad view, it is the business of fram-ing laws. The science of government is no less a science than that of astronomy. Its sphere embraces law, philos-ophy, social ethics, history and consti-tutional forms; yet if the popular groer or drover or man-about-town happens to want a seat in even our great-est deliberative public body, no one passes him to look for the thoroughly equipped citizen who has had too much use for his time to waste any of it in sultivating the good will of the voters. Of course it is inevitable, for if the competent man cannot be elected it would be useless to nominate him. But, as we say, the fact that we have to go on politically crowding square pegs into round holes, is a distinct reflection upon our form of government, placing it at a disadvantage with enlightened mon-archies where the ruler makes it part of his business to find the strongest men for the highest posts and to con-fer no responsibility upon those who are not qualified to bear it.

#### JUDICIAL SPENDTHRIFT TRUST.

Though the Circuit judges have decided to sit one at a time, they seem disposed to employ the full sets of court officers provided for them when they were on the bench simultaneously. Between them they have three clerks, three stenographers, three bailiffs and two Hawaiian interpreters, a costly and cumbersome body. Though the public gets the benefit of but one court, the judges compel the taxpayers to support the paraphernalia of three courts, some of which paraphernalia, as common gossip says, is worse than useless.

It is lucky for the courts, under these circumstances, that they control the grand jury system. But for that, the spirit of public investigation which two
of the judges have prompted, would
soon be felt in the asmosphere of the circuit bench. The grand jury has usu-ally, in its quests, found a false scent; but if it were to look into the First Circuit court, summing up its extravagances and worse, there would develop a scandal worth ventilating.

What makes the judicial spendthrift trust the more unpardonable is that the times are hard, the treasury impoverished and taxes are oppressive.

#### CHECKING THE EXODUS.

The Hawaii Shinpo Sha, which is doing good work against the coast agents are trying to lure Japanese labor islands to California, has the following pungent editorial:

We are deadly against the wholesale migration of our laboring class to the mainland. We feel it is the invasion of a forbidden ground. It is like placing an obstacle against the wise course laid down by our home government in its immigration policy.

Secondly, we are against the proposition on their personal account, as we are by no means sure about their good prospects on the other side. On the contrary, we have grave doubt of their realizing the beautiful dream worked up successfully into their im-aginations by the honied tongues of wily recruiting agents. As we repeat-edly advised them, the secret of amassing money for them is not the amount they can earn, but to earn it steadily. California field does not offer such chance for them, if we are not misin-

Lastly, but not least, as a cause of our objection, we believe it is a bad faith and mean act on the part of laborers toward their patrons, the planters, thus to desert them in their

This counsel is full of good points. 'he bint should not be lost on those interested that the diversion of our Japanese laborers to the mainland is a of evading the compact about ia-immigration which the United bor immigration which the United States, in good faith, entered into with Japan. If this fact is made proper use of, it may be the means of checking a of, it may be the means of checking a movement which, as the Shinpo Shapoints out, can only lead to harm. Such a thing would be a favor to the laborers. Japanese are told that they can get big wages in California the year around when, as a matter of fact, they can command them only in the short season when fruit is being picked and dried. More than this, a glut of Japanese is wanted so that the high fruit season wage rate may be forced. fruit season wage rate may be forced

If the Japanese wish to return home some day with well-lined purses, they had better stick to their present jobs. Pay is sure in Hawaii, food and shelter are provided for and the capital invested in sugar makes the planters better pay than the small fruit-growers of California, who work on a narrow margin and are more or less at the mercy, as respects their incomes, of the transportation lines.

W. D. Dressler, city editor of the San W. D. Dressler, city editor of the San Francisco Examiner, is dead. He is remembered in Hawaii as one of the correspondents who came here when the American flag was hoisted in 1898. His death was the occasion of wide-spread sympathy in San Francisco and his funeral was attended by represen-tatives of all departments of public and professional life at the coast metropo-lis.

#### SUPPLEME COURT'S OPINION

The Supreme Court sesterday filed a incision in the case of Watter II was sentenced to thirty days' imprisonment by the Circuit Court for contempt couget, in publishing a cartoon of brought before the Supreme Court on babeas corpus proceedings, the main point being that the act committed was not in the presence of the court, so that if contempt had been committed at all, it was "constructive contempt," which it was "constructive contempt," which by Hawalian statute is not punishable, and consequently that the Circuit Court had no jurisdiction to sentence Mr.

Smith The decision of a majority of the court, by Judges Frear and Gaibraith, uphoids the decision of the Circuit court, while Judge Perry files a strong

dissenting opinion writ of error, as is allowed by the stat-utes of some of the states, but is not allowed under Hawaiian law, the result might have been different. As it is, he feels bound by the technicalities of the situation, and declines to go into the merits of the question, holding that the Circuit Court had jurisdiction.

Judge Perry holds, in a strongly rea-

soned and logical decision, that the publishing of the cartison was not a lirect contempt, and is, if anything, 'constructive contempt," which by Hawaiian statute is not punishable.

The difference between a "direct" and 'constructive" contempt is that a direct contempt is one committed in the presence or immediate vicinity of the court. A constructive contempt is an act not committed in the presence of the court, such, for example, as newspaper articles commenting upon, or cartoons relating to the court.

The reasoning in Judge Galbraith's decision is, as we understand it, that any newspaper commenting upon the decision of a court in a manner distasteful to the Judge of that court, is liable to be punished for contempt, notwithstanding that there is an existing statute prohibiting the punishment of constructive contempt.

The decision of Judge Perry is a direct negative of the reasoning of Judge Galbraith and denies that the courts have any such power.

The decision of Judge Frear, while it in effect supports that of Judge Gal-braith, does not go as far, and whether it supports to the full the theories advanced by Judge Galbraith are left an

The attorneys for Mr. Smith Messrs W. O. Smith and A. Lewis, Jr., and Lorrin Andrews, believe that a Federal question is involved, in that Congress, having ratified, among other statutes, the Hawaiian statute prohibiting the punishment of "constructive contempt," that statute is now as much a Federal statute as though it had been passed by Congress in the first in-stance. If this contention is correct to securing Federal adjudication on this point, the question will be immediately brought before United States District Judge Estee, on a writ of habeas

## SUPREME COURT DECIDES AGAINST

(Continued from Page 1.)

tempt, discredit and odium, did then and there and thereby commit a contempt of court." An order was thereupon issued citing Smith to appear at for the respondent, does not hold to the a time stated and show cause why he contrary. It was immaterial in that should not be adjudged guilty of con- case whether the contempt was direct should not be adjudged guilty of con-tempt "in publishing, printing and cir-culating the said statement of and con-imited by statute in the matter, but but cerning the Presiding Judge of this had power to punish either or both. The court merely held that the publireference to a cause now pending and undetermined in this court, to-wit: the case of the Territory of Hawaii against case of the Territory of Hawaii against cause it interferes with the due admin-William McCarthy, and which said istration of justice in a cause before statement and publication and picture or cartoon is well calculated to prejudice the minds of the jury sworn to dice the minds of the jury sworn to try the issues and hinder, obstruct and jury in the dispersent the court and jury in the dispersent the court and jury in the dispersence of their duties and the administration of public justice." The re-

was committed and sentenced for a constructive contempt or for a direct

authority; or disrespectful behavior or language to the presiding Judge; or any improper conduct tending to defeat or impair the administration of justice. An indirect or constructive distinctions, of what offense does the contempt is one offered elsewhere than mittimus show the petitioner to have presence of the court, and which tends by its operation to degrade or fense does it show that sentence was make impotent the authority of the court, or in some manner to impede or embarrass the due administration of justice."—7 Am. & Eng. Encycl. Law. 2nd Ed. 28. "Contempts are defined to be, direct, such as are offered in the and Ed. 28. "Contempts are defined to be, direct, such as are offered in the presence of the court, while sitting judence and of counsel "in support of the dicially or constructive, such, though charge," and content, "the said Circuit not in its presence, as tend to obstruct Court found the said Walter G. Smith and embarrass or prevent the due administration of justice."—State v. Wilministration of justice."—State v. Wilson, 64 Ill. 195. "The contempt is direct when committed before and in the presence of or so near to the court as to interrupt the proceedings of the court.

Contempts are constructive when they are considered not in the prov once of the cours, and when they land their operation to interrupt. struct, embarries or prevent siminurration of fastion "- Whitten v are generally divided by jurious into the classes of direct and constructive; direct being those committed in the pres ence of the court, and constructive be ing those acts which the court would have to construe by some process reasoning to be equivalent to a direct contempt. In re Hush, 8 Haw, 202. See also Church on Habens Corpus, Sec. 306, Bradley v. State, 50 L. H. A. 602 (111 Ga. 168); Cooper v. People, 72 Pac. (Cob.) 795; State v. Kaiser, 20

Assuming that the cartoon and words complained of are of the nature charg-ed in the affidavit, i. e., insulting, con-Each of the Judges has written an temptuous, contumellous, disrespectful opinion of his own. The decision of and tending to obstruct and prevent ludge Galbraith is that the contempt the administration of justice, and that mmitted was a direct contempt. The as contended on behalf of the present decision of Judge Frear is somewhat respondent, they were of and concerning obscure in its reasoning and meaning, the case then pending and undetermin-As far as a brief study thereof indi- ed and not, as contended on behalf of cates, he holds that under Hawaiian the petitioner, of and concerning the statute the Supreme Court cannot on case first tried and then concluded, habeas corpus proceedings, which are and that the Circuit Court so found, of a collateral nature, inquire into the and that such finding cannot be remerits of the case. He states, in effect, viewed on habeas corpus, still, if the that if these proceedings had come be-objectionable matter was published fore the Supreme Court on appeal or and circulated or caused to be published and circulated by Smith, or even, perhaps, by the proprietors of The Advertiser, only in the city generally and not in the court room or in adjoining portions of the court house, these acts would at most constitute a constructive contempt only. If, on the other hand, Smith or, let us say, the proprietors, published and circulated such matter. or caused it to be published and circulated, within the court room or in the adjoining portions of the court house, the contempt would be direct. Although there may be, perhaps, a few authori-

ties to the contrary, this is supported by the great weight of authority. Cooper v. People, supra, immediately after the language above quoted, the court said: "The acts here complained of belong to the latter class (constructive) if either. They consist of the publication in a newspaper, of general circulation in the place where the court was being held, of such articles in refor constructive contempt, alleged to two months. have been committed by the publication of these several articles in a daily

newspaper, which are alleged were intended to and did prejudice the people against the court and grand jury, embarrass the administration of justice and reflect upon the court and its proceedings."—Fishback v. State. 131 Ind. 304, 312. "A newspaper corporation which deliberately seeks to influence judicial action by the publication of articles threatening the judges with public odium and reprobation in they decide a pending cause in a particular way, is guilty of constructive contempt."-State v. Bee Publishing

Co., 50 L. R. A. (Neb.) 195. Ackermann vs. Congdon, 7 Haw., 11 (January, 1887), was a case of a publication in a newspaper of an article containing expressions which were deemed by the court to be "calculated to prejudice the tribunal which was to try defendant's case and reader it unstance. If this contention is content to the Federal favorable to him." The defendant's it gives jurisdiction to the Federal favorable to him." The defendant's courts to consider whether or not the case referred to was pending. The publication was held to be a contempt, but in effect a direct or lication was held to be a contempt, but try defendant's case and render it un-favorable to him." The defendant's lication was held to be a contempt, but that it was regarded as a constructive contempt is plain from the language of the court: "As the case before us is the first instance of constructive contempt of this character brought to our notice, and as the case is not a serious one, we impose no fine." (p. serious one, we impose no fine."

In Smith vs. Aholo, 7 Haw., 117 (April, 1887), the publication in a newspaper, was of an abstract of a bill in equity, and while the suit was pending. The court said: "We had occasion, at the January term, 1857, of this court, in the case of the Hawaiian Gazette, ante, page 31, to say that such publica-WALTER G. SMITH the page 31, to say that such publications as appear to have a prejudicial effect upon the rights of the parties in cases pending in the courts, were punishable as constructive contempts of court. \* \* \* The publication in question comes within the principle laud down in the Casette case, and is laid down in the Gazette case, and is fully sustained by authority." See also, on this subject. State vs. Circuit Court, 72 N. W. (Wis.), 193, 195.

The case of Telegram Newspaper Co. s. Commonwealth, 172 Mass., 294, cited cation was a contempt, and while it said, page 298, "If the publication amounts to a contempt of court, bethe court, the contempt is analogous to

tration of public justice." The respondent appeared and filed a return and after certain other proceedings had been had, judgment was rendered and sentence pronounced.

then before the court."

The mere fact that the petitioner, at the time that he published or caused to be published and circulated, generally, the newspaper containing the matter in question, knew, if he did, or must have known, that some subscrib-In the view which I take of the case, must have known, that some subscribthe tast view which I take of the case, or the case, or the respondent in that proceeding it is respondent in that proceeding was committed and sentenced for a constructive contempt or for a direct contempt.

As to the distinction between these we classes of contempts. "A direct contempt or for a direct contempt.

As to the distinction between these we classes of contempts. "A direct contempt or for a direct contempt As to the distinction between these two classes of contempts. "A direct contempt, or a contempt in facie curriae, is noisy or turnslitous conduct to the contrary.) To convict him upon in the presence of the court, or so near thereto as to interrupt its proceedings or an open defiance of its powers or authority; or disrespectful behavior or language to the presiding Judge; or language to the language to the presiding Judge; or language to the language to the presiding Judge; or language to the language to the presiding Judge; or language to the language plainly probable consequences of one's

Bearing in mind these definitions and been adjudged guilty and for what of-

The affidavit and motion, as appears from the quotation above made, charged a constructive contempt only; it

(Continued on Page 5.)

#### LUCAL BREVITIES,

cFrom Wednesday's Daily.)

There were 30 deaths during the south of May.

H. W. Hobieson has been admitted to practice in the Federal Court.

Sheriff Brown has been notified of a murder on Kauai, but is given no par-ticulars. The alleged murderer, who is a Japanese, has been placed under ar-The annual meeting of the Hawalian

Evangelical Association which was to have been held in Lahaina this month, has been postponed to the second week

Bruce Cartwright, as trustee for Emma Kalekomalani, has brought suit against the Territory to establish fish-ery rights at Kaneobe, Keolaupoko, on

The Territorial band will leave on June 12 for Walmea, Kauni, to be gone for 10 days. Sheriff Coney is arrang-ing the program for the stay of the band on Kauni.

It is rumored that Deputy Attorney General Catheart will resign, though the Attorney General has received no notification to that effect. Mr. Cathcart is now in Hilo. Marshal Hendry has received a me-norial card framed in black, telling of the funeral of the late Marshal Daniel

A. Ray. The services were held at Oak Hill Cemetery in Washington on May This is the last week of the exhibi tion of pictures in the Kilohana Art League rooms. The display room is open every day from 9 to 5, and in the evening from 7 to 9. The attendance

daily has been very fair. Cards have been issued by Mrs. Sarah Grace announcing the marriage of her daughter Elizabeth to Mr. George Hibbard Angus, to take place at 8 o'clock on the evening of June 17 at Central Union church.

E. C. Rowe has brought suit against Stanley Stephenson for an accounting. Plaintiff claims that since the dissolu-tion of partnership defendant has col-lected monies due the firm for which he has made no accounting.

Miss Pauline Neumann, Circuit Court stenographer for Judge Gear, has re signed. It is probable that no successor will be appointed, as the Legisla-ture provided for but two court stenographers in the First Circuit.

was being held, of such articles in reference to a case pending as were calculated to interfere with the due administration of justice, as it is said."
"We have in this case, not a case of direct contempt, but a case of indirect or contempt, but a case of indirect or constructive contempt.

The Honolulu Piantation Co. has filed a bill of exceptions with intention to appeal in the Pearl Harbor case. The United States has already given notice of appeal, and if the defendants also carry their case to the higher court, the result will be interesting.

(From Thursday's Daily.)

Miss H. James has been appointed stenographer in the Circuit Court to succeed Miss Pauline Neumann.

The hearing of the swipes sellers has been set for Friday afternoon before Commissioner Robinson. The bail in each case has been fixed at \$1000. Two of the defendants are women,

A meeting will be called of the St Louis Exposition committee as soon as Acting Governor Cooper hears from the other islands. A meeting to select com mitteemen was scheduled to be held in Hilo yesterday.

Dr. and Mrs. John S. McGrew an nounce the marriage of their niece, Maude Mary Gillet, to Mr. Archibald Alfred Young, to take place at half-past eight o'clock on the evening of June 18, 1902, at St. Andrew's cathedral

While Mr. and Mrs. Charles Lucas were riding on Beretania street in a buggy, a Portuguese who was driving a surrey ran into their vehicle, taking off a hind wheel. The Portuguese was racing with another driver at the time of the accident. No one was hurt.

Ernest N. Smith of Honolulu was one of the four debaters chosen from the 600 students of the Brooklyn Polytechnic to meet a team from Pratt Institute in a public discussion of the Chinese question. The Polytechnic debaters won. The Brooklyn Times speaks of the telling effect of young Smith's speech, which was wholly extempore.

An iron gateway is being placed between the new and the old Hackfeld buildings, facing on Queen street. The and the grill work overhead connecting them bears the name of the firm. Two bronze discs covering the locks and bolts give the gates a fine finish. On one are the figures "49" and on the oth-er"99."

Daniel Yowell, charged with man-slaughter in the first degree, was com-mitted for trial by Judge Dickey yes-

Taketa, a Japanese merchant in Pa-lama, was declared a bankrupt by Judge Estee yesterday and W. T. Raw-lins appointed as referee to hear the

R. Anderson and A. Garvie will fight out the final for the golf championship This week Anderson defeated Donald Ross by 1 up and 2 to play. Garviewon from Norman Kay by default.

The Spanish-American War Veterans have secured the classrooom in the Y. M. C. A. building. All members can have the use of the same at any time. during day or evening. Meeting notices will be posted in this room.

There will be an important business meeting of the Kamehameha Alumni Association this, Friday, evening, June 6, 1902, at 7:30 o'clock. Election of officers for the ensuing year. All members are requested to be present.

Tenders made for the construction of the approach to the Hackfeld wharf were opened yesterday. No contract was made, as all bids exceeded the ap-propriation set aside by the Depart-ment of Public Works for that purpose. Mrs. Emma Nakuina, Commissioner of Private Ways and Water Rights for

Honolulu, yesterday heard the suit brought by the Palolo Land and Im-provement Company against property owners in the Palolo district to compet certain changes in ditches and dams on their lands. Supt. Boyd frowns upon the proposition of the Board of Health to purchase the gasoline schooner Eclipse. He says that the appropriation of \$35,-

608 made by the legislature is for a "newly built steamer," and according to Mr. Royd, the gasoline schooner does not come within the meaning of

A court martial has been in progress at Camp McKinley for several days, investigating the disappearance of about \$300 worth of quartermaster's stores. Several soldiers are under suspicion. The court is composed of Lieu-tenant Colonel Girard, Captain Wil-liamson, Captain Pierce and Lieuten-ants Jones, Hehr and Robinson. The will hold its concluding session

### Aching Joints

In the fingers, tors, arms, and other parts of the body, are joints that are inflamed and swollen by rheumatism - that acid condition of the blood which affects the mus-

cles also.

Sufferers dread to move, especially after sitting or lying long, and their condition is commonly worse in wet weather.

"It has been a long time since we have been without Hood's Sarsaparilla. My father thinks be could not be without it. He has been troubled with rheumatism since he was a boy, and Hood's Sarsaparilla is the only medicine he can take that will enable him to take his place in the field." Miss Ana Dorr, Sidney, Iowa.

#### Hood's Sarsaparilla and Pills

Remove the cause of rheumatism -no outward application can. Take them.

BUSINESS CARDS.

H. HACKFELD & CO., LTD.—General Commission Agents, Queen St., Hono-lulu, H. I.

A. SCHAEFER & CO.—Importers and Commission Merchants, Honolu lu, Hawalian Islands.

LEWERS & COOKE.—(Robert Lewers F. J. Lowrey, C. M. Cooke.)—Import ers and dealers in lumber and building materials. Office, 414 Fort St.

HONOLULU IRON WORKS CO.-Ma chinery of every descrition made to

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MOUNTAIN RESORTS: Banff, Glacier, Mount Stephens and Fraser Canon.

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Agents Canadian-Australian S. S. Line, Canadian Pacific Railway. TRANS-ATLANTIC FIRE INS. C.

OF HAMBURG.

Capital of the Company and reserve, reichsmarks ...... 6,000,000 Capital their reinsurance com-Total reichsmarks ...... 107,650,900

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Total reichsmarks ...... 43,830,000

The undersigned, general agents of the above two companies, for the Hawallan Islands, are prepared to insur-Buildings, Furniture, Merchandise and Produce, Machinery, etc.; also Sugar and Rice Mills, and Vessels in the harbor, against loss or damage by fire on the most favorable terms.

HACKFELD & CO., Limites

## The Elgin

WORLD'S STANDARD FOR TIME KEEPING.

Should be in the pocket of every wearer of a Watch.

Many years' handling of Watches convinces us, that price considered, the Eigin is the most satisfactory of Arr erican Watches. Cased in

#### Nickle, Silver, Gold Filled and Solid Gold.

We have a full line and sell them a right prices.

ELGINS reach us right. ELGINS reach you right.

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Eigins stand for what is right in time keeping and lasting qualities, and that is why we are right in pushing the

#### H.F.WICHMAN BOX 342.

## Wm. G. Irwin & Co.,

Fire and Marine Insurance A'gts

AGENTS FOR THE

Royal Insurance Company of Liverpoon Alliance Assurance Company of Lon

don, Alliance, Marine and General Assurance Co., Ltd., of London.
Scottish Union National Insurance
Company of Edinburgh,
Wilhelms of Madgeburg General Insur snce Company, associated Assurance Co., Ltd., of Mu-nich and Berlin.

The undersigned having been appointed agents of the above company are prepared to insure risks against fire on Stone and Brick Buildings and on Merchandles stored therein on the most favorable terms. For particular apply at the office of F. A. SUHAEFER & CO., Ages.

German Lloyd Marine Insur'ce Ce OF BERLIN

Fortuna General Insurance Co OF BERLIN.

The above Insurance Companies have established a general agency here, and the undersigned, general agents, are authorized to take risks against the dangers of the sea at the most reasonable rates and on the most favorable terms.

F. A. SCHAEFER & CO... General Agents

General Insurance Co. for Sea. River and Land Transport. of Dresden.

Having established an agency at Hanolulu and the Hawaiian Islands the
undersigned general agents are authorized to take risks against the dangers
of the sea at the most reasonable rates
and on the most favorable terms.

F. A. SCHAEFER & CO.,
Agents for the Hawaiian Islands.

Now is the Time Plant

# SEEDS

A large shipment of fresh seeds has just been received. It is not necessary to send to the coast for garden or vegetable seeds when the same may be had in a few day's

from the

Hollister Drug Company Honolulu, Hawaii.

#### The Bank of Hawaii LIMITED.

Incorporated Under the Laws of the Republic of Hawaii.
CAPITAL \$600,000 to OFFICERS AND DIRECTORS.

OFFICERS AND DIRECTORS.
Chas M. Cooke ... President
P. C. Jones ... Vice President
C. H. Cooke ... Cashier
F. C. Atherton ... Assistant Cashier
Directors—Henry Waterhouse, Tom
May, F. W. Macfarlane, E. D. Tenney,
J. A. McCandless.
Solicits the Accounts of Firms, Corporations, Trusts, Individuals, and will
promptly and carefully attend to all
business connected with banking entrusted to it. Sell and Purchase Foreign Exchange, Issue Letters of Credit. eign Exchange, Issue Letters of Credit.

SAVINGS DEPARTMENT.

Ordnlary and Term Deposits received and interest allowed in accordance with rules and conditions printed in pase books, copies of which may be had on Judd Building, Fort Street.

CLARKE'S B 41 PILLS are warranted Pains in the back, and all kindred complaints, Free from Mercury. Established upwards of 50 years. In boxes 4a 5d, each, of all Chemists and Patent Medicine Vendors throughout the World Proprietors, The Lincoln and Midlane Counties Drug Company, Lincoln, England.

# MORE NEED OF ECONOMY

### Circular Letter Is Sent to the Sheriff.

Rigid economy has been exercised in the police department of the Territory since the Executive Council decided upon a pro rata system of expenditures in order to keep within the limit of funds available. If other departments fellow the rule laid down by the attor-ney general's department there need be

no further fear as to finances.

Excepting as to the incidental appropriation, the department has been keeping well within the allotted amount, and Attorney General Doie yesterday sent a circular letter to the high sheriff and the sheriffs of the various islands, complimenting them on the fact and urging still more rigid economy. The letter is as follows:

reconomy. The letter is as follows:
Territory of Hawaii,
Office of the Attorney General.
Honolulu, H. I., June 5, 1902.
Mr. A. M. Brown, High Sheriff of the
Territory of Hawaii:
Dear Bir:—The expenses of the department for the ten months ending
April 30, and the pay of police of
Kauai, Maui and Oahu, and the pay
of jailors, guards, etc. for the month
of May last (the May bills under the
other appropriations not yet being all other appropriations not yet being all in) show, for these ten months and as far as the bills are in for the last month, that the aggregate expenses the department have been \$5,942.38 b than the pro rata of the appropriations

in the aggregate.
I am gratified in noting under the appropriation for coroners' inquests that, as the result of the careful study and economy which we had to give this matter, the expenses for the ten months ending April 30, were \$52.41 less than the pre rata of the appropriation.

I am also gratified to note that in spite of the great increase of criminal business, the prolonged sessions of grand juries, and the many extended and special terms of the Circuit Court, that the expenses for witnesses in criminal cases for the ten months ending April 39, have exceeded the prorata of the appropriation only \$27.69, or about \$2.77 per month.

During the ten months ending April 36, 1903, and since, the appropriation for neidentals, evil and expenses I am also gratified to note that in

incidentals, civil and criminal expenses—which the last legislature cut down ing the criminal business of the de-partment; the large interests of the Territory in the litigation of fishing rights also making the employment of outside counsel necessary; the extraordinary amount of opinion and office work incident to the transition from an independent nationality to a Federal Territory, making it impossible for the head of the department to do any con-siderable amount of court work; out-lays incident to installing the Gamewell police alarm system, etc.—all these things have combined to subject the appropriation for incidentals to emergencies which the legislature could not have taken into account.

During the ten months ending April 30, 1902, the expenses for civil and criminal incidentals have exceeded. upon the average, the pro rata of the appropriation therefor at the rate of \$222.11 per month. It will be necessary for us to cut down our expenses under this appropriation about \$400.00 per Our pro rata under this appropriation is \$1250.00 per month. If we can save out of this appropriation about \$200.00 a month, I think we shall able in spite of the extraordinary mands on the department to finish justice and without prejudice to the public service.

I am sending a letter of like tenor herewith to each of the sheriffs.

Very sincerely yours, (Signed) E. P. DOLE, Attorney General.

## SUPREME COURT DECIDES AGAINST WALTER G. SMITH

(Continued from page 4.)

charged that the petitioner "did make and publish for circulation" the matter referred to and, perhaps, that he know-ingly published an unfair report of the proceedings and malicious invectives, etc. It did not, directly or indirectly, charge a publication or circulation by the petitioner or by any one else in the court room or in the court house. Thus far, then, the mittimus shows a conviction of a constructive contents. conviction of a constructive contempt

The Cuddy case (131 U. S., 280) is dis-The Cuddy case (131 U. S., 280) is distinguishable from that at bar. In the former the finding of the lower court was that the petitioner "did approach" a certain juror with a view to influencing him. The record in the habeas corpus proceedings was entirely silent as to the place where the juror was approached. The words used in the finding were consistent with the theory that the act was committed in the presence of the court as well as with the theory that it was not committed in the presence of the court. The Supreme Court held that under those circumstances the presumption was that preme Court held that under those cir-cumstances the presumption was that the court found the juror was ap-proached in the presence of the court and that therefore the sentence was valid. In the case at bar, on the other hand, the record shows affirmatively, as it seems to me, that the acts charg-ed were committed elsewhere than in the court rooom or court house. The

through the one may that the "Advertiser is a measurement element of the light of the property of the light of light of the light of light of

The next and last rectal of the ent-tious in the case at bar is as follows. "And whereas the suid Walter G. Fruith was guilty of a contempt of this court by publishing and printing a cercourt by publishing and printing a cer-tain false, scandalous, malicious and defamatory statement accompanied by a printed picture or carteon, which said statement and carteon had especial reference to the case of the Territory of Hawaii vs. William McCarthy and to the conduct and judicial acts of the judge presiding on the trial of said cause, which said false, scandalous, malicious and defamatory statement and printed picture or cartoon was cir-culated and published in the court room, in the court house in Honolulu room, in the court house in Honolulu during the trial of the cause of the Territory of Hawaii vs. William McCarthy, which said publication was calculated to prejudice and did prejudice the minds of the jury and prevent a fair and impartial trial of the issues a feir and importial trial of the issues involved in said case, and is calculated to obstruct and did obstruct the Circuit Court in the administration of justice and in its duties in the trial of said cause which was then and is now pending and undetermined." Of this it is to be observed that is to be observed that it is not a recital of a conviction or of an adjudication of guilt, but merely that Smith was guilty. The mittimus, however, is not the judgment or verdict; it is merely a formal order issued to the sheriff re-citing that a certain judgment or ver-dict has been theretofore rendered and dict has been theretofore rendered and sentence passed and directing the execution of such sentence. It is not sufficient that the mittimus recite that the accused was guilty but it must show on its face that he has been adjudged guilty by a jury or by the court, as the case may be. In other words, even though an accused is guilty, a conviction or judgment to that effect by a competent tribunal is necessary by a competent tribunal is necessary to support a sentence or the execution thereof. Without such conviction or judgment, the sentence and order of execution would be invalid. But it is clear that a general order to imprison a party unless he has been convicted either by a large or the transfer of the convicted of either by a jury or by the court is a mere nullity. The law requires that before a sentence of imprisonment shall be passed against a party, he shall be passed against a party, he should first be convicted of an offense. In ordinary cases, this conviction must be by the verdict of a jury. In the case of contempts, it may be by the judgment of the court. Still, in either case, the record must show a conviction. Now it will be seen from this return that there is no judgment of impresonment for a contempt generally prisonment for a contempt generally, or for a contempt in refusing to answer questions. There is not any conviction or adjudication by the court that Mr. Adams had been guilty of a contempt. Without such judgment the court had of court, several terms of court being held at the same time in different parts of the Territory, thus requiring the employment of extra help in conducting the criminal business of the despartment; the large lies of the desparatment; the large lies of the desparatment is the large lies of the desparatment. and however many contempts the prisoner may have committed, it is not lawful to imprison him until convicted thereof by the judgment of the court, which judgment and conviction must appear by the record." Exparte Adams, 25 Miss. 892 (59 Am. Dec. 234, 242, 243). "So that it appears that there has been no adjudication that petitioner and his associates have been guilty of a conissociates have been guilty of a con-tempt. If this be true, then the com-mitment, occupying as it does the place of an execution, has no basis on which to rest. For it is the judgment and not the mittimus by virtue of which the party committed is detained. People ex rel. vs. Baker, 89 N. Y. 460. Unless the record shows a judgment of conviction of contempt, a petitioner may avail himself of the remedy provided by habeas corpus." Ex parte O'Brien, 127 Mo., 477, 488, 489. See also Ex parte Van Sandau, 1 Phillips, 604, 606, 607; People vs. Bennett, 4 Paige. 282; In re Blair, 4 Wis., 521; Sherwood vs. Sherwood, 32 Conn., 1.

Assuming, however, that the language demands on the department to missing to a conviction or judgment of guilty of our biennial period without having to a conviction or judgment of guilty of our biennial period without having to a conviction or judgment of guilty of the offense there stated. \* \* \* such ask the legislature to make up a single dollar of deficiency under any appropriation of the department. I am very tioner is concerned, a constructive and anxious to do this, if it can be done in not a direct contempt. The recital is not a direct contempt. The recital is that "Walter G. Smith was guilty of a contempt of this court by publishing and printing" a certain statement and cartoon, "which said statement and cartoon was circulated and published to the court form." The recital is ment and cartoon was circulated and published in the court room in the court house in Honolulu during the trial This is not a statement that the matter was circulated and published in the court room or caused to be so circulated and published by Smith; it is not a recital of a conviction of Smith for contempt by "publishing and printing" and by "circulating and publishing in the court room." In my opinion, as stated above, the printing and publication generally away from the court room may have away from the court room may have been by Smith and the circulation and publication in the court room may have been by others for whose acts Smith would not be criminally respon-

It may be remarked in this conection that it is not to be presumed that the court or the clerk issuing the mittimus intended or attempted to make therein an untrue or incorrect recital as to intended or attempted to make therein an untrue or incorrect recital as to what the conviction or judgment was; and if it had been intended or attempted to state in the mittimus that the petitioner had been convicted or adjudged guilty of circulating and publishing in the court room, such statement would have been untrue and incorrect. After the introduction of the evidence, Circuit Judge Humphreys (the three pudges of the Circuit Court sat together during the proceedings, but in what capacity or whether legally or otherwise I need not say), delivered the opinion of the judges or of the court and in concluding said: "It is the unanimous opinion of the judges of this court that the defendant should be held guilty as charged in the complaint herein." Following him Judge Gear, presiding at the term, said: "The judges have unanimously decided that this matter published has constituted a contempt of court as charged in the complaint or affidavit and I therefore find and adjudge you guilty of contempt of court as alleged and set out in the affidavit on file and ask you now if you have any reason to offer why sentence should not be passed upon you.

\* \* And I will state now that the other judges and come to the conclusion as to a proper sentence to

court go sol forth in the affident, and son use sollienced to teleplacement in teleplacement in teleplacement in this day, for the partial of there days in the set that the teleplacement of partial was of the affects produced in the affidavit and that has a strong which and a constructive competency unit may a constructive computation in the court room.

Chang will further, and managing that the paragraph of the mittings in question is a resultal at a convenient of publishing and by circulating and publishing and by circulating and publishing in the court room and assuming that such further or habons cannot be disturbed on habons around the such further or habons curpus even though there is no evidence to support it. I am of the option that the senione and mittimus are invalid because the coner had to jurisdiction to impose the one or leave the other in the absence of a conviction of jurisdiction to impose the one or leave the other in the absence of a conviction of judgment of guilty of that offense this, of rourse, in view of my conclusion, to be hereafter stated, that the Circuit Courts of this Torritory have no authority to punish for construcno authority to punish for construc-tive contempos). The authorities above cited sufficiently cover this point. The principle is the same where the conviction is of an offense which the court has no jurisdiction to punish and the sentence and mittimus are for another and different offense, as where there is no conviction or judgment at all flas the Circuit Court of the First Circuit power to punish for construc-tive contempt? Under this head several questions have been presented and

In August, 1888, the legislature of the In August, 1888, the legislature of the monarchy passed an act (Chap. 42. Laws of 1888) the second section of which reads as follows: "Constructive contempts shall not hereafter be punishable as such." This language, taken by itself, is plain—se plain as to leave no room for construction. It is contended, however, that read in connection with the two other sections of the statute, and in view of the causes that led to its enactment, it must be conled to its enactment, it must be con-struct to refer to such only of con-structive contempts as are mentioned in section 1. The latter section reads: "The publication of proceedings before any court or judge shall not be deemed to be contempt, nor shall such publica-tion be punishable as contempt." and section 2: "The terms of this act shall apply to the publication of all proceedapply to the publication of all proceedings in all courts, or before all judges, hitherto had, now pending or which may hereafter be brought. In my opinion, sections 1 and 3 do not contain sufficient to justify the limitation sought to be placed upon the limitation sought to be placed upon the limitation. plain language of section 2, words, "constructive contempts" in section 2, were intended to refer-solely to the "publication of proceed-ings," mentioned in section 1, then section 2 is pure repetition and wholly superfluous Section I of itself provides that such publication shall not be deemed to be contempt and further that such publication shall not be pun-ishable as contempt. Under the circumstances, the presumption, if any, is that the legislature did not repeat unnecessarily and that it intended to include in section 2 something not al-ready included in section 1. The preready included in section 1. The pre-sumption is further that the legislature in using the word "constructive," knew distinction between constructive and direct contempts. The purpose of sec-tion 3 evidently was to provide that the

In enacting this statute the legislature doubtless had in mind certain cases then recently decided by the Supreme Court but it is a mistake to suppose that those decisions were simply to the effect that the publication of proceedings was a constructive con-tempt and punishable as such. Such indeed was the ruling in Smith vs. Aholo, supra, decided in April, 1887; but in Ackerman vs. Congdon, supra, decided in January, 1887, the publica-tion held to be a constructive contempt was, not of proceedings, but of news-paper comments or expressions which were deemed to be such as tended to influence the result of a pending sult. The same is true of the publication, held to be contempt, in King vs. Lee Fook, 7 Haw., 249 (decided at the February term, 1888, just before the legislature convened). It was not of means any or all constructive con-tempts), and not merely of some con-

structive contempts. In the case entitled In re Bush, 8 Haw. 221, the court construed the statute differently, holding that by 'constructive' contempts the legislature meant those only which were not enumerated in section 257 of the Penal Laws. With respect, it seems to me that there is no sufficient ground for so constraing the statute. It is contended that this court must now follow that decision because of the rule that where a statute, which has received a judicial construction is respected to judicial construction, is re-enacted in the same or substantially the same terms, that is to be deemed a legislative adoption of such construction. The re-enactment here referred to is that contained in the Organic Act. The question is one as to the intention of Congress in passing the Organic Act, and this intention is to be ascertained from a reading of the Act as a whole. Section 6 provides "that the laws of Hawaii not inconsistent with the constitution or laws af the United States or the provisions of this Act shall continue in force, subject to repeal," etc. "Continue in force" means "be of the same force," not more and not less, after as before the time stated. Section 81 provides that "until the legislature shall otherwise provide, the laws question is one as to the intention of ture shall otherwise provide, the laws of Hawaii heretofore in force concern-ing the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise pro-vided." Before the Organic Act went into effect the Supreme Court had jurisinto effect the Supreme Court had juris-diction and authority to overrule any of its former decisions, with possibly some exceptions, real or apparent but not here material, and the act of 1888 was open to construction by the court and subject to having any former con-struction modified if to the court it should seem right and just to do so. In my opinion, Congress intended by In my opinion, Congress intended by the Organic Act to continue the same powers in this court in this respect which it theretofore had and the rule of construction contended for does not apply in this case. In so far, then, as the court in the Bush case held to the contrary on the subject of the construction of the Act of 1888, it should be

overruled. It is also contended that section 257 of the Penal Laws, which defines certain acts to be contempts, sets forth in the enumeration certain constructive contempts, that therefore if section 2 of the Act of 1888 is construed to include constructive contempts.

The arguin and that the contents of the arguin and that the contents of the arguin and that of the down her arguin to the charge to during a few and arguing to the charge to and some affects the arguing a section of the section and arguing a section of the problem of a courte through the arguing a few and a will as to courte the section arguing the arg Was the Act of 1888 unconstitutional

he constitution in force at the ti-ris concument was that of the Ar-oft of which was as follows. The coal power of the Kingdom shall rested in one Supreme Court, and I such inferior courts as the legislature may from time to time establish. Article 68 reads. The judicial power shall be divided among the Supreme Court and the several inferior courts of the Kingdom, in such manner as the legislature may from time to time prescribe, and the terms of office in the inferior courts of the Kingdom shall be such as may be defined by the law creating them. The Circuit Court of the First Circuit was created by the legislature under that provision of the constitution. It was, under the monarchy and the republic, a legislative as distinguished from a constitutional court, and it was competent for the legislature which created it to define iegislature which created it to define or limit its powers in the matter of contempts. The power to punish for contempts is inherent in all courts; its existence is essential to the preservation of order in judicial proceedings, and to the enforcement of the judgments, orders, and writs of the courts, and consequently to the due administration of limiter. The moment the contempts. The power to punish for ration of justice. The moment the into existence and invested with jurisdiction over any subject, they became processed of this power. But the power has been limited and defined by the act of Congress of March 2d, 1831. The act, in terms, applies to all courts, whether it can be held to limit the authority of the Supreme Court which thority of the Supreme Court, which derives its existence and powers from the constitution, may perhaps be a smatter of doubt. But that it applies to the Circuit and District Courts there can be no question. These courts were created by act of Congress. Their powers and duties depend upon the act calling them into existence, or subsection. quent acts extending or limiting their jurisdiction. The Act of 1831 is, therefore, to them the law specifying the cases in which summary punishment for contempts may be in-flicted. It limits the power of these courts in this respect to three classes of cases: First, where there has been mishchavior of a person in the presence of the courts, or so near thereto as to obstruct the administration of justice; second, where there has been mishe-havior of any officer of the courts in his official transactions; and third, where there has been disobedience or resistance by any officer, party, Juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the courts. As thus seen proceedings permitted by the act, to the power of these courts in the pun-wit, by section 1, to be published, in-cluded all proceedings, in whatever court and at whatever times had. the power of these courts in the pun-ishments of contempts can only be ex-ercised to insure order and decorum in their presence, to secure faithfuiness ercised to insure order and decorum in their presence, to secure faithfuiness on the part of their officers in their official transactions, and to enforce obedicial transactions, and to enforce obedi-ence to their lawful orders, judgments and processes." Ex parte Robinson, 19 Wall. 595, 510, 511. See also Ex parte Buskirk, 72 Fed., 19; Ex parte Poulson, Fed. Cs., No. 11,359; State vs. Kaiser, 29 Or., 57. Whether or not the Act of 1883 applied at the time of its enact-ment or applies now to the Supreme Court, is another question. Even if it did not so apply, still it was constitu-

did not so apply, still it was constitu-tional as to the inferior courts. See Robertson vs. Pratt, 13 Haw. 590. The Act of 1888, being valid at the time of its enactment and in force at the date of the Organic Act, was continued in force by section 6 of the lat-

It is contended that the Organic Act is the constitution of this Territory, that since in section \$1 it is provided proceedings but of matter tending to prejudice the right of the defendant to a fair and impartial trial. So far as history is concerned, then, there is good reason for believing that the legislature meant what it said, i. e., to prohibit thereafter the punishment as such of constructive contempts (which If, however, we are to rebe limited. gard the Organic Act as our constitu-tion and as the instrument by which the Circuit Court was created, then it is also true that the limitation of au-thority was by the same instrument and by the same power which created the Circuit Courts. Surely the power, whether it be the people directly or whether it be the people directly or Congress, which grants a constitution and thereby creates a court, may also

> may even legislate it out of exist-My conclusion is that section 2 of th Act of 1888, in its application to the Circuit Court of the First Circuit is constitutional, valid and in force. Nor is the restriction thereby placed upon that court a novel one. The citations already made disclose some instances of similar limitations elsewhere; for other instances see Laws of Pa., Duplicate, 1835, 1836, p. 793; Throop's Ann. Code of Civ. Pro. (N. Y.), par. 8, p. 6; Galland vs. Galland, 44 Cal., 475, 478, "The force of public opinion in this country, in favor of the freedom of the press, has restrained the free exercise of the power to punish this class of contempts" (constructive), "and in onstitutional, valid and in force, Nor contempts" (constructive), "and is many jurisdictions statutes have been enacted depriving the courts of the power to punish them." Rapalje, Con-tempts, Sec. 56.

> In my opinion, the sentence and com-mitment, if for a constructive con-tempt, are illegal and invalid for lack of jurisdiction on the part of the court to impose such sentence or order such commitment, no judgment of guilty of such offense having been rendered. The petitioner should be discharged.

#### **GREAT OVATION** FOR GOVERNOR

Governor Dole is expected to return the Alameda, which is due here to The Government tug Eleu has chartered by E. A. Mott-Smith, who has invited a number of people to go out to meet the steamer, accompanied by the Territorial band. The party will include prominent officials. business men and members of the press Admiral Merry's launch will also go out to the Alameda and will take the as it seems to me, that the acts charged with a considered with the other judges and come to the form the court rosom or court house. The language of the affidavit adopted and made a part of the judgment and mittinus, is to be read in its ordinary actimus, is to be read in its ordinary actimus, is to be read in its ordinary actimus, is to be read, it means, if it means anything, that the making and the repeat adjudged guilty of contempt of the constructive contempts, that therefore if section 2 of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is construed to include constructive contempts of the Act of 1888 is constructive contempts o the vessels in the harbor will display late hour it had not been found.

## **Expert Reports On** The Lantana Plant.

dared G Smith, special agent in charge of the United States risperiment Station, has received a report from the department at Washington, upon the lantana sent there by him some time

am H. Krug, chief of the dendrochemical laboratory, shows that there is but a very small proporition of tan-nins in the lantana. Mr. Smith thought that perhaps the lantana might be of use commercially for tanning purposes, but this analysis indicates that there is not sufficient of the tannins in the plant to pay for its extraction.

A new idea is, however, opened up by Professor Krug, who suggests the possibility of medicinal properties in the plant, and inquires if the lantana attorneys-at-law. Magoon block, corner Alakea and Merchant streets, Hohas ever been used for such purpose Though the whites here know very lit., notulu, the of the medicinal qualities of the shrub, it is reported that natives have been using at least the lantana flowers as medicine. It is said by some physiclans that a concection made from the dowers, if given in small quantities, will drive a man insane, and there are reported to be several cases at the Oahu insane asylum now, resulting from the use of the drug. Hawaiian Kahunas also are said to use lantana in their concections

The analysis made by the Government expert covers the roots, stams, leaves and flowers, and is shown in the following report:

Washington, D. C., May 15, 1902 Washington, D. C., May 15, 1902.
Mr. Jared G. Smith, Hawaii Experiment Station, Henolulu, Hawaii:
Dear Sir:—The specimens of lantana camara submitted by you have been examined in this laboratory. The roots, stems and leaves were analyzed separately and the parts corresponding to the numbers in the table given be-low are as follows:

Dn	619	- Mature plant roots.
32n	. 620	- Mature plant stems.
Dn	621	- Mature plantleaves.
120	613	- Young plant roots.
Dn	623	- Young plant stems
	and	tops,

Dn. 624 - Young plant ....... The following results were obtained

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These data show that no part of this plant has any value as tanning ma-terial. I should be glad to know if it is used medicinally by the natives as the high percentage of soluble mattepresent in the young plant suggests the possible presence of some active onstituents

Yours very truly, WILLIAM H. KRUG, Chief, Dendro-Chemical Laboratory.

#### SMOTHER A COUGH.

Press your hand hard nough over your mouth and you can smother a cough but you can't cure it that way The outside is the wrong end to work on.

Scott's Emulsion thoroughcures coughs because it strikes at the root of the trouble. The throat and lungs need a regular system of education to cure an old cough.

The point of value about Scott's Emulsion and coughs is that, while Scott's Emulsion does soothe the raw throat and lungs, it also nourishes and heals the inflamed areas.

It replaces inflamed tissue with healthy tissue-the only real cure for an old cough.

Send for Free Sample. COTT & BOWNE, Chamissa, 409 Pearl St., N. Y.

Guy Owens left his borse and buggy in front of Harmony Hall, while atone drove away with the rig.

John Hassinger was reported in a lov condition last night.

#### BY AUTHORITY. Softer To CREDITORS

vind UNDERGROUP HAVING notice to all persons by the united space Number Kating the personal via the hole of the his office in the Juda horizon. Home the color in the his office in the his office in the his office in the his office of the matter of the will be forced before his of the matter of the William has been before the will be forced before the matter of the force in particular Market for the force of Agnes Nune Kallin, Dreament.

MORPGAGEE'S NOTICE OF INTEN-TION TO POSISCLOSS MORT. GAGE AND OF EALS.

IN ACCORDANCE WITH A POWER of sale contained in that certain mort-gase made by Caroline Annu Ariback and Ah Buck her busbant to Pairick theasen, dated May 29th, 1992 recorded in the Register Office, Onbo, in Laber 196, pp. 23-th, notice is berely given that the said mortgage intends to foreclose said mortgage for condition broken, to wit, the mon-payment of principal and interest when due, and upon said foreclosure will sell at public auction at the sale rooms of Will E. Fisher, in Honolulu, on Friday, the 36th day of June, A. D. 1992, at 12 o'clock in, of said day, the premises described a said mortgage as below specified.

Earther particulars can be had of J. IN ACCORDANCE WITH A POWER

PATRICK GLEASON. Mortgagee.

#### PREMISES DESCRIBED IN MORT-GACE

First.—All the fand situate in Kallua, Koolaupoko, Island of Oahu, de-scribed in Royal Patent 2236 Kuleana 2365, containing an area of 3 acres 38-100 square chains. Second.—All the land situate in said Kallua described in Royal Patent 1562 Kuleana 2782, containing an area of 355 acres.

of 3.55 acres. 2388-May 30-June 6-13.

#### LOST

certificate No. 21. For 14 shares of stock of Hawaiian Fruit and Plant Co. Ltd., issued February 21, 1896, in the name of A. W. Eames, has been lost. Transfer of the same has been stopped, and all persons are warned against purchasing same.

A. W. EAMES. 2386—May 23-30, June 6.

EXECUTICE NOTICE.

Notice is hereby given that June 11th, Kamehameha Day, being a legal holiday, all government offices throughout the Territory will be closed.

The 14th day of June, being the 125th anniversary of the adoption of the national ensign by Congress and the secend anniversary of the admission of Hawaii as a Territory, will be observed as "Flag Day," and the national ensign displayed on all public buildings. Government offices will be closed and the public is invited to join in the observance of the day

HENRY E. COOPER. Acting Governor

Capitel, Honelulu, June 5th, 1902.

#### HONOLULU STOCK EXCHANGE.

Honolulu, June 5, 1902.

NAME OF STOCK	Capital	Val	Bid	Ask
MERCANTILE				
S. Brewer & Co. N. S. Eachs' Dry Goods	1,000,000	100	42114	400
Co., Ltd. B. Kerr Co., Ltd.	200,000	50		
SUGAR				
Ewa	5,000,000	20	24	
Haw Agricultural Car	1,000,000	100	1100	270
Haw, Com, & Sug. Co. Haw, Sugar Co	2,312,750 2,000,000	100	92	285
Honomu	750,000	106	110	1175
Honokan	2,000,000	20	10	4
Haiku Kahuku Kihei Flan, Co., L'd	500,000	100	2814	126
thei Plan, Co., L'd.	2,500,000	50		10%
PARTERIAL CREAT ASSAULT	160,000	100	****	****
Colon McBryde Sug. Co. L'd.	3,500,000	100	****	61
deBryde Sug. Co. L'd. Jahu Sugar Co.	3,600,100	100	85	61
Juomea	1,000,000	20	24	****
Domea Dokala Diaa Sugar Co. As	500,000 812,000	20	Carrie	21,
rine Part Cp.	2,500,000	20		18
Plowslu 'asuhau Sugar Plan-	150,000	100	*****	130
tation Co	5,000,000	50	10	
Pacific	500,000	100		216
Ain	750,000	100	12000	*7.0
Pepeekeo	2,750,000	190	eco.	176
Toneer Valalus Agr. Co	4,500,000	100	59	
Wailuku Waimanalo.	700,000	100	15214	***
Valmes	252,000 125,000	100	10204	75
STEAMSHIP CO'S				
Vilder S. S. Co	500,000	100		100
nter-Island S. S. Co	500,000	100		100
MISCELLANEOUS				
law'n Electric Co	250,000	100	8734	4
ion, R. T. & L. Co	250,000	100		
dutual Tel. Co	2.000,000	100	85	8754
BONDS				
law, Goyt, 5 p. c.			95	
In R T A L Co.		11111	1	100
6 p. c	22331255	9220	Tier.	1000
). R. A L. Co	****	1000	101	100
pahu Pl'n 6 p. c.	100010000			1266

Between Boards-Twenty-four hun-dred O. R. & L. Co. bonds, \$104.59.

#### South African Situation.

NEW YORK, May 27.-The reassembling of parliament has done little toward clearing the situation in South Africa, says a Tribune dispatch from London. A languid house listened to London. A languid house listened to non-committal explanations. A suggestion that the king is so anxious to have peace before the coronation that he is bringing pressure to bear upon the ministers to make large concessions to the Roers is scouted in official circles. The king is described as not less patriotic than his mother was, and equally mindful of the obligation of a constitutional ruler to be guided by the adtutional ruler to be guided by the advice of his ministers. The king can hardly be more anxious for peace than the ministers of the country.

# DISASTER

## In State of Panic.

ORT DE FRANCE Ideal of Martinique, Monday, May 26.-Mont de France in great masses, in which Department of Agriculture that regu- ritorial Judges should be appointed by there are pressing lightning flashes, intions will shortly be issued to prothere are possilar lightning flashes, lations will shortly be issued to pro- event it is pretty plain that Judge. The inhabitants are now flocking into hibit the bringing of snakes into Ha- Humphress would have never been elthe great square of the tawn. If the wail. He has been working diligently demonstration increases a panic is in- on the subject since my last letter and ment, and it was supposed against in-

and an enormous, grayish-vellow cloud, waitan interests against reptiles. at a great height, is dimly visible in the direction of Mont Polce. The night

reach here and ashes and stones begin in recent days in connection with ques-

SCIENTIFIC INVESTIGATION.

various phenomena disclosed.

man who has set foot in the area of Queen," said Mr. Wilcox, "is now get-craters, fissures and fumaroles and, be-ting ready to go back home and will cause of his high position as a scientist, his story is valuable. In addition to where she will probably stay a week his work of investigation the professor rescued in his steamer many poor people of Le Pracheur who had ventured there a while."

In addition to where she will probably stay a week before she sails. She is very fond of San Francisco and therefore will tarry there a while."

Mr. Peck has arranged for a hearing before the Senate committee on back after deserting their homes and found themselves in awful danger. He here for six months, plans to leave reports as follows: "The zone of the Washington in about ten days. He will catastrophe in Martinique forms an first go to New York to see his mother, elongated oval, containing on land who is quite ill. He had hoped to take about eight square miles of destruction, her back to Hawaii with him but is un-This eval is partly over the sea. The certain whether she will be able to land part is bounded by lines running stand the long journey. From New from Le Precheur to the peak of Mont. York he will proceed to Seattle and Pelec, thence curving around to Carbet. all life, vegstable and animal, was ut- the Pacific together. terly destroyed. The greater northern part of St. Pierre was in this zone. Second, a zone of singeing, blistering flame, which also was fatal to all life. kiffing all men and animals, burning the leaves on the trees and scorching, but not utterly destroying, the trees themselves. Third, a large outer non-destructive zone of ashes wherein some vegetation was injured. The focus of annihilation was the new crater, midvay between the sea and the peak of Mont Pelee, where now exists a new area of active vulcanism with hundreds craters, the old and new, are notive. Mushroom shaped steam explosions enstantly ascend from the old crater. while heavy ash-laden clouds float horijects steam, smoke, mud, pumice and lapilli, but no molten lava.

The salient topography of the region is unaltered. The destruction of St. Pierre was due to the new crater. The

This is the first positive scientific Professor Hill has now started on horseback for the volcano. He will study the whole affected area and will of Mont Pelee. The undertaking is very hazardous as explosions may occur at any moment as one did May 20. Professor Hill knows the risk he takes, but says the only way to discover exactly what has happened is to go to the crater itself or as near it as possible. He will be gone two days.

Fort de France is nearly deserted. A new source of fright is in that a tidal wave may come. A wave eight feet high would certainly destroy Fort de and probably cause enormous

loss of life. The weather is lowering and rainy The south winds carry the smoke and ashes from the volcano away from Fort

de France ASHES FALL IN DOMINICA.

ROSEAU, Island of Dominica, B. W. I., May 27.-During the whole of last night ashes from the volcano on the Island of Martinique fell here in greater quantity than has been experienced since the outbreak of Mont Pelee.

EPIDEMIC FEARED. PARIS, May 27.-In order to avoid a decided to distribute them among a number of depots.

#### Bills Signed.

# SNAKES WILL BE BARRED OUT OF THESE ISLANDS THE BREWERY THE COAST

#### Fort de France Is Department of Agriculture Gives Full Assur. The Anti-Saloon People Gossip About People ances---Hawaiian Public Buildings---The Tramways Bill Cannot Pass.

(Special to The Advertiser.)

A very heavy surf has been heating on the shore for the last two hours, will be ample for the protection of Ha-

is intensely dark and the stars are only faintly visible.

Fort de France is in no danger from gions where a strike is now in progress. the volcano, but there is considerable apprehension of a panic in the night time, should the greyish-yellow cloud been in conference with them to see what might be done towards persuading these idle miners to seek employ-FORT DE FRANCE, Monday, May ment in Hawaii. The labor leaders 26.—Professor Robert T. Hill, United have taken kindly to the idea and States Government geologist and head something material may come of the of the expedition sent by the National matter. Mr. Haywood said he had in-

arious phenomena disclosed. Iani will not attend, although origin-Professor Hill is the first and only ally it was her intention to do so. "The

thence to San Francisco, where he will

HAWAIIAN PUBLIC BUILDINGS. on the omnibus public building bill, au-thorizing the Secretary of the Treas-bury to investigate the needs of Hono-tic building bill. He does not know I telegraphed by the steamship Ven-tura, will in all probability become law. its as widely as possible and also to try I saw "Dave" Mercer, chairman of the to interest officials in having the Fed-House committee on public buildings, eral Government maintain the lightwho will be the leading conferee for houses along the coasts of the Territhe house on the bill, and he told me tory and also to establish more light-this afternoon that he had no objection houses. He attended a hearing last of active vulcanism with hundreds of initiature volcanoes. The new orater is now vomiting black, hot mud, which is falling into the sea. Both craters, the old and new, are active, Mushroom shaped steam explosions.

To the amendments for Honolulu and Hillo and that I would be safe in predicting that they would be kept in the claims. He would have spoken in behalf of the claims. Thanking you yours very truly truly truly truly truly truly truly truly that there been more time. tott on the bill without debute Senator Pairbanks, in charge of the measure. reading as follows:

acting in radial directions, as is evidenced by the dismounting and carrying for yards the guos in the battery on the hill south of St. Pierre, and the colossal statue of the Virgin in the same locality and also by the condition of the ruined houses in St. Pierre.

"According to the testimony of some persons there was an accompanying flame. Others think the incandescent ranks of the virgin in the persons there was an accompanying flame. Others think the incandescent ranks of the virgin in radial directions, as is evidenced by the dismounting and carrying flame. Others think the incandescent ranks of defining and carrying flame. Others think the incandescent ranks of the virgin in the battery on the building in each city name of the virgin in the same of the virgin in the same of the virgin in the same of the will stay on in conference, questions which have little to do with whether it will stay on in conference, questions which have little to do with the merits or demerits of beverages and should be answered.

The Hawaiians here are very much affaid it will not.

TRAMWAYS JIG IS UP.

TRAMWAYS JIG IS UP.

Delegate Wilcox has asked for a talk with the committee on territories beliave and order, of the building in each city named the committee on territories beliave and order.

THE ABOVE NAMED GENTLEMEN

THE ABOVE NAMED GENTLEMEN

THE ABOVE NAMED GENTLEMEN

THE ABOVE NAMED GENTLEMEN This must be investigated. I am now the value of each building and site, the sent to me," said he. showing cost of each separately in case try to get to both craters. He will that is the only remedy; and the Secsurely visit Morne Rouge and the slope retary of the Treasury is hereby directed to investigate the postal situation at Yonkers, N. Y., and report to Congress at its next session the able cost of a suitable site in said city upon which to erect a postoffice building; and the Secretary of the Treasury is hereby authorized to have prepared plans and specifications for the enlarge-

> lumbus, Ohio, as he may deem advisable, at a cost not to exceed \$5000. HUMPHREYS OPPOSED THIRD

> ment of the United States postoffice and

courthouse, or for the construction of a new postoffice and courthouse at Co-

JUDGE. An interesting development in connection with the third judgeship, to which Mr. Robinson was appointed, has just come to my attention. In the decision which Attorney General Knox rendered declaring that the act of the Legislature creating the judgeship was constitutional, which decision I sent to The Advertiser at the time, there were statements such as "it has been urged" in opposition. Certain people here have pine Islands? had occasion to seek the inside history of that and to ascertain that the referpossible epidemic among the 7000 refu-gees now at Fort de France, it has been Humphreys filed, urging that the third Circuit judgeship law was not valid. The brief is in possession of the Attorney General's office and is naturally possessions equally. held confidential, as the Attorney General does not want unnecessarily to an-WASHINGTON, May 27.—The President has signed the Indian appropriament, although he felt constrained to lands? tion bill and the omnibus claims bill. overrule his interpretation of the law. Mr. Shattuc-No.

There is an interesting little bit of MAT DE FRANCE, Island of Mar-tinique, Monday, May 26.—Mont Pelce is again in cruption. Huge.

WASHINGTON, D. C., May 22.—
history in that connection, which pos-sibly illustrates the ingratitude of man.
The provision of the organic act of Hathat he has assurances from the wall originally provided that the Terevated to the bench. At the last mosurmountable odds, Representative Shafroth of Colorado had the amendment put in that these Judges shbe appointed by the President. That made Judge Humphrey's appointment possible. He then turned around and used his position as Judge to influence the nulliflextion of a law which was passed by a Logislature that is more in accord with him than with Governor

#### HILO'S BREAKWATER.

reach here and ashes and stones begin tions of settling the strike and he has to fall. There are no noises from the been in conference with them to see last letter as at the New Willard Ho-Mr. Phillip Peck of Hilo, whose brief here some days. He went to New York with Mrs. Peck, leaving her there to visit with a sister while he pursues his mission here before committees of Congress. He has been piloted around the Geographical Society, has just come in tended to write to his people in the Capitol by Representative Stark of New from a daring and prolonged investi- Islands, making mention of this, but brasks, with whom he became acgation of the volcanic activity in Mar-had been prevented by the rush of his tinique. Professor Hill chartered a work and the early departure of the Stark visited Hawali. Mr. Peck comes tinique. Professor Hill chartered a work and the early sieamer and carefully examined the coast as far north as Port de Maccuba.

Hawalian day at the Charleston, S who want the harbor surveyed for a tree early department of the island, mak-at the extreme end of the island, mak-at the extreme end of the island, mak-largely patronized by Hawalians. Delargely patronized by Hawalians. Delargely patronized by Hawalians are president voted to pay the expenses of his trip, because of the good patron-Pierre, he walked through an area of too hot for him down there and he age of business men of Hilo, who are does not propose to take the journey, vitally interested in the breakwater and made a minute examination of the He states also that ex-Queen Liliuoka-project. Mr. Peck says he and his wife had a pleasant trip across the Pacific. having come on the ship Enterprise, which used oil as fuel. He has been working quietly but industriously and

ing before the Senate committee on ommerce regarding the breakwater project. It is too late for any action of Congress at this session, as the river and harbor bill has passed both houses and is now in conference. But Mr. Peck hopes to interest prominent legislators in the matter and possibly to have some beginning made by one of the departments. He went to Chair-There were three well marked zones: be joined by Delegate Wilcox. They Pacific Islands and Porto Rico, to First a center of annihilation, in which all expect to make the journey across whom he explained the great need of man Foraker of the committee on the a new postoffice building at Hilo. It is understood to have been chiefly through The amendment which the Senate put Mr. Peck's efforts that the amendments alu and Hilo for a public building, as just how long he will remain here but

#### PRATT WORKING HARD

some neavy asn-mach clouds float hori-contaily from the new crater. The old cluded with several other cities, the statement at that hearing and there is Mr. Pratt made quite an extended provision, as perfected by the Senate, understood to be some sentiment in the understood to be some sentiment in the committee favorable to putting these claims on the general deficiency bill as styled "contempt" no longer contempt? Seawell must often in her home in con-Section 23. That the Secretary of the claims on the general deficiency bill as styled "contempt" no longer contempt? Seawell must often in her home in control that this will be done. Mr. Pratt is this point? Does delay or neglect on niente life in her wave-washed home of explosion had greater superficial force, cause to be examined the Government that this will be done. Mr. Fratt is this point: Does dridy to desire the part of the prosecution nullify the the Pacific, acting in radial directions, as is evidenced by the dismounting and carry, wit: Watertown, N. Y.: Grand Rapids, all important question, however, is effect of an injunction? These driving in the Town denced by the dismounting and carry.

were sufficient to cause the destruction.

This must be investigated. I am now the value of each building and site, the sent to me," said he. "But they must the first positive scientific based on observed facts. Hill has now started on for the volcano. He will be cost of a new site and building, do what it pleases with the measure. Congress won't act.'

#### IMMIGRATION.

The question of the operation of the mmigration bill, which the House has been considering this week, upon Havali was broached briefly the other day in debate. It seems settled that the bill does apply to Hawaii in any particulars, but the following colloquy in the debate may be worth mentioning:

Mr. Robinson of Indiana-I see that by a section of the bill that it pro- clously fighting the enactment of any cisco to either Boston or London.

committee to state that Mr. Kleberg-It would apply. Mr. Robinson of Indiana-Would it

Mr. Robinson of Indiana-From other countries? Mr. Shattuc-It applies to all other countries equally and to all of our new

Mr. Robinson of Indiana-Then un-

States

# STATUS OF ITEMS FROM

## Ask Some Sharp Questions.

To the Editor of The Advertiser: The

Honolulu, May 21, 1902. We notice in the issue of your paper of May 21 an article headed, "The Brewery's Defense." As this article makes no reference to any particular attack, we write for the sake of havng the issue clearly defined. What are the brewery's rights? Did the present brewery inherit the franchise of the original browery situated at Kalihi, on the premises of Mr. Waller, which fraurise was issued under the law of 1887? If so, their franchise has ceased. If this is not the case, we would ask, why ter. have the Treasurer and the Attorney General been much worried as to their right to renew this franchise? Is not the rumor correct that an actual reissuance has been given by the Treasurer? If so, when did the Legislature confer such powers upon the Treasurer? If, which seems to be the plain every-day interpretation of the law, the Honolulu Brewing and Malting Company went into business, taking the risk of a short, unexpired term of an old franchise, they do not deserve the sympathy of the business community. We submit to all thinking men, until such time as the court has decided it, not represent nearly the money which If so, when did the Legislature We submit to all thinking men, until such time as the court has decided it. such time as the court has decided it, not represent nearly the money which that the Legislature at the time of has been spent by Castle & Cooke in granting the franchise had one experimenting with different varieties pany in view (which afterwards failed) of grapes. and the Honoiulu Brewing and Malting
Company started into business on the marriage in Honoiulu of Frank W. basis of this particular franchise. We Smith, formerly of the California Hofurther submit that all references to article of yesterday, were irrelevant.

the decision of Judge Estee, the li-Smith came here from Santa Clara-censes of the Primo saloons may not about three years ago. He had been a no reissued." We ask whether these sa-clerk for a time at the Sea Beach hotel be reissued." We ask whether these sale loons hold any valid license at the present time? The injunction leaves them no legal footing from the time of its issuance, and says nothing about the reissuing of licenses. One of the grave questions in controversy is this: "Why is not this injunction put into operation, or at least tested?" It is herein the companion of the same acquainted with Missuance and least tested?" It is herein to he became acquainted with Missuance and says not the same says and says not the says and says and says not the says and says not the says and says not be reissued." We ask whether these saloons hold any valid license at the present time? The injunction leaves them

subject, the relative harm in these dif-ferent beverages is a matter not under that the public should not only see the saue clearly, but that from the edito-tal chair and elsewhere there may me further light on the real merits

yours very truly, THEODORE RICHARDS,

J. LEADINGHAM.

A. V. SOARES. Committee.

#### Hawaiian Federal Buildings

WASHINGTON, D. C., May 22.-The Senate has authorized a commission to fied the authorities that he does not inquire into the need of public build- wish to renew it, thereby giving them ample opportunity to find another orings at Honolulu and Hilo. \*\*\*\*\*\*\*\*\*

rision excludes them as it would from the United States.

House committee on rules, of which Speaker Henderson is chairman, have House committee on rules, of which it seems curious that an Englishman Speaker Henderson is chairman, have should grow tired of Boston, which is the decision to consider the Pathe most English city in the United cific cable bill, as the press dispatches States. But Dr. Stewart is not the have stated. Mr. Corliss, who is vi- only one who has preferred San Fran-

Developments before the Senate have also been favorable to the consideraapply to immigration to the Philip- tion of the canal bill there and it looks ine Islands?

Now very much as though some sort

Mr. Shattuc—Not from the United of a canal bill will be passed.

ready under construction.

Representative Kahn of San Francisco has presented to the House committee on territories a petition of the San Francisco Chamber of Commerce. Manufacturers and Producers' Association of California, and the San Francisco Board of Trade, favoring the payder it you can not either receive Jap. ment of claims of citizens of Hawaii whose property was destroyed in the all, ERNEST G. WALKER.

## Known in This Capital.

(Special to the Advertisor.)

EAN FRANCISCO, May 27.-Governincluded communication was prepared or Dole will sail from here for Honofor your paper and was suppressed lulu on next Saturday, the fist. He is when the writers heard of the contempt now visiting in Alameda, and possibly proceedings against Treasurer Wright.
We would respectfully request that you give it space in toto in view of subsequent history:

Honolulu, May 21, 1902.

On account of this suburban residence, will not be the recipient of as many social honors as if he had stayed in this city. There were several dinners and other affairs being arranged for the distinguished Hawaiian's honoring. which will perhaps have to be called off on account of Dele's desire to re-main quietly in the hamlet across the

> The new Bishop of Honolisiu, Rev. H. B. Restarick, has returned to his home in San Diego after attending the Episcopalian diocesan convention at Cincinnati. Bishop Restarick had been selected for appointment by President Roosevelt as a member of a commission to find a site for an Indian reservation near Southern California, and had taken a deep interest in the matter. Now however he feels it his duty to hastea to Honolulu to take up the work of his high office there. He has written to the President asking that his name be withdrawn, as he will not be able to remain in California long enough to do justice to the commisnew Bishop of Honolulu, Rev enough to do justice to the commis-

further submit that all references to prominent business houses here in the article of yesterday, were irrelevant.

It is noted that Manager Hocking is quoted as admitting that "according to fortune of \$40,000 bestowed upon her. tion, or at least tested?" It is herein submitted, likewise, that it is irrele? McCully and after a year's courtship want to discuss the relative merits of heer and wine or spirits. The question is one of law and order, and resolves itself into these simple propositions:

First—Have the Prime beer saloons any more rights than the sellers of "swipes?"

Second—Has the Honolulu Brewing and Malting Company any more rights than the makers of "okolehno?"

Though much might be said on the subject, the relative harm in these different beverages is a matter not under latter part of the week. For nearly ferent beverages is a matter not under latter part of the week. For nearly liseussion at this time. It is the earn-twelve years the Irwin mansion was est desire of the undersigned gentlemen the gathering place for everything that was pleasant in society. Did a stranger of any note visit the islands, letters to Mr. and Mrs. Irwin were the first presented, and having the entre there it was chough. When Mr. and Mrs. Seawell took up their residence there Thanking you for the space, we are the families were most intimate, and the combination was a very strong one, Never in the history of Hawaii was there so much going on in the social line, and with these two bright women at the head there was nothing lacking to make the times remembered for The Town Talk says of Organist Ste wart, whose oratorio, "The Nativity,"

old friends and he has found that the pleasant associations of many years cannot be replaced. The news of his intention to return came in a letter to a friend a few days ago. He states that his contract with Trinity church, Boston, does not expire until September 1st, and that he has already notified the authorities that he are presented to the authorities. Mr. Robinson of Indiana—The proof the best organists in the country; and he met with great professional success in Boston. To his friend he wrote: "I suppose I lived too long in Mr. Shattuc—Certainly.

CABLE, CANAL AND FIRE CLAIMS.

Some protracted hearings before the back by July 1st, believing that a successor may be engaged before that day. by a section of the bill that it provides "United States" shall be constructed by private structed to mean territories over which the United States has jurisdiction. What is the operation of the law, first with reference to Hawaii?

Mr. Shattuc—It takes in Hawaii.

Mr. Robinson of Indiana—With reference to the immigration from the Terence to the immigration of the law, first, as did Chairman Hepburn of Iowa, who as the club jinks. Dr. Stewart possesses the knack of setting any kind of verse to music and his services were always in demand for everything in the line of melody from chants to raglimitation. His fame as a composer is not, by the way, confined to the Bohemian Club or San Francisco. His church compositions are in the repertory of choirs in other cities, and his oratorio "The Nativity" was recently sung in The Nativity" was recently sung in "The Nativity" was recently sung in Honolulu. I look to see his operas some day in the regular repertory of stock operatic companies. Their production was in every instance successful, but their popularity proved evanescent and not by any means commensurate with the merit of the works. Horace Craft went east Saturday after a july time here. On his return

er a jolly time here. On his return from Ohio, a dinner is to be given him by Superior Judge J. C. Hebbard of this city, who remembers the courtesy of Craft when he (Hebbard) was sea-sick on a trip from Honolulu to Hilo. Craft may not return to Honolulu at all, but may go into business here. Captain Rosehill and W. C. Peacock are here together and are investigating

## No Strength

a burden! Do you ofter feel weak and faint? Is your appetite pour Are you easily discouraged? Then your terres are weak and your blood impure. Sickness is not far away.



## AYER'S Sarsaparilla

There are many imitation "Sars lie sure you get Ayer's.

Always keep your bowels in good condition with Ayer's Pills. They are purely vegetable act on the liver, and cure constipation, billion-ness, sick headache, and all liver troubles.

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A. HOLLISTER DRUG CO., Agenta.

## 0000000000000000 **Five**

AND USEFUL

Beautiful

## **Presents**

1 Jewel 6 Hole Range.

Gurney 4 Door Refrigerator.

Decorated China Dinner. Breakfast and Tea Set.

Etched Glass Complete Table Service.

Complete Set of Table Silverware and Cutlery.

The price of each of the above mentioned articles is \$40. These will be given away on July 1st to customers who purchase goods of us on or after March 15, 1902. For the purpose of distributing these goods to those entitled to receive them we will, commencing March 15th, present a numbered certificate of purchase to each purchaser of one dollar's worth of goods at our store. This will be in addition to the usual 5 per cent off for cash.

These desirable gifts are now on exhibition in our large front windows. They will be distributed fairly among our customers, and in accordance with

## W.W. Dimond & Co.

LIMITED.

43-55-57 King Street, Honolulu.

READ IT IN HIS NEWSPAPER.

000000000000000

George Schaub, a well known German citizen of New Lebanon, O., U. S. A., is a constant reader of the Dayton Volkszeitung. He knows that this paper aims to advertise only the best in its columns, and when he saw Chamberlain's Pain Balm advertised therein for lame back, he did not hesitate in buying a bottle of it for his wife, who for eight weeks had suffered with the most ing a bottle of it for his wife, who for eight weeks had suffered with the most-terrible pains in her back and could get no relief. He says: "After using the Pain Baim for a few days my wife says to me, 'I feel as though born anew,' and before using the entire con-tents of the bottle the unbearable pains tents of the bottle the unbearable pains had entirely vanished and she could again take up her household duties." He is very thankful and hopes that all suffering likewise will hear of her wonderful recovery. This valuable liniment is for sale by all dealers and druggists. Benson, Smith & Co. Ltd., agents for Hawait.

\*\*\*\*\*\*\*\*\*\* the merits of various schooners to find one suitable for the guano trade. Pea-cock will not talk about the island scheme nor will Rosehill. FREDERICK O'BRIBN.

# MERCHANTS

## Charges a Fee.

(From Wednesday's Daily.)

The court of fire commissioners com-pleted their labors yesterday morning, and will file their awards as soon as the remainder of the certificates have been signed. As a final climax to their labors the commission devised a way by which they will pay back the \$4000 borrowed from the Honolulu merchants a few months ago to carry the work of the fire court to the end. This will be done by a charge of a small fee to each claimant when he receives the certificate of award. The court of fire commissioners comertificate of award.

rach claimant when he receives the certificate of award.

Following the completion of their labors yesterday morning the fire commissioners called upon Governor Cooper and so reported, receiving the thanks of the acting executive.

Notices of the awards in a good many cases are already in the hands of Auditor Austin, and as soon as they are announced by the fire courts the certificates will be given out. The awards will be announced within a few weeks, and only a small number will be given out each day, so that neither auditor nor commission will be overworked. All the awards have now been signed excepting five books by Commissioner F. J. Testa. J. G. Pratt, who is now in Washington, has not signed, but as it requires only a majority of the signatures of the commissioners to make the award legal and binding, there will be no delay because of his absence. The commission examined over 6700 claims, and the total of the awards will reach into the millions. The appropriation made by the legislature was but \$1,500.000, but the awards of the court will be more than that sum it is thought, as Commissioner Pratt has asked for an more than that sum it is thought, as Commissioner Pratt has asked for an appropriation from Congress of \$3,000,-900. This was the aggregate of the appropriation from Congress of \$3,000,990. This was the aggregate of the
claims filed, but the court reduced this
amount considerably, and it would not
be a great surprise if the final figures
showed that the total awards were
within the estimate of the legislature,
or at least not in excess of \$2,000,000.

The certificates of award will now be
placed in the hands of the auditor, who
in turn will make out the warrants

in turn will make out the warrants upon the treasurer. These warrants will be payable in one, two and three years respectively, so that as a matter of fact the claims are not payable for

one year yet.

Undoubtedly, however, the warrants can be discounted at the local banks.

can be discounted at the local banks, as has been done in other cases.
Following the signing of the records of judgments the commission went into executive session, when the following resolution was introduced by Commissioner Kepcikai, by which it is hoped to secure a sufficient return for the payment of the expenses of the commission in excess of the appropriation:

That the chairman be and is hereby empowered to oversee the clerk in completing the records and other clerical work of the commission; to make up a financial statement of the receipts and disbursements of the commission; to

disbursements of the commission; to make up a general report of the work of the commission to the governor; to issue certificates of awards to claimants and to collect a fee for each certificate of award based upon the following schedule:

Awards of \$50 and under ..........\$0 25 Awards of \$100 and under 50
Awards of \$500 and under 1 00
Awards of \$500 and over 4 00

and any other funds of the commission to liquidate all outstanding obligations of the commission, including the advances to the commission by the merchants of Honolulu to the amount of \$4060, and interest thereon at the rate of 6 per cent per annum, together with such other expenses incurred and necessary to be incurred incident to the closing up of the work of this commis-The resolution was seconded by Com-

missioner Lovekin and passed, all vot-ing in favor of it excepting Commissioner Testa, who offered the following

Awards of \$50 and under ......\$0
For every \$50 or fraction thereof from \$50 to \$500
Awards of \$500 to \$2500
For every \$100 or fraction thereof from \$500 to \$2500

For every \$100 or fraction thereof from \$2500 and upwards ......

There being no second the original motion was adopted. An estimate of the returns under the fee rule has been made, and the commissioners expect to be able to pay from it all the ex-penses of the court in excess of the appropriation, including the \$4000 bor-rowed from Honolulu merchants. rowed from Honolulu merchants.

#### **ROYAL RECORDS OF** THE BABYLONIANS

NEW YORK, May 26.—A cable to the World from Paris says: Professor Margan, the archaeologist, has succeed-ed in deciphering the records of King Kammouradi of Babylonia, a contemporary of Abraham. Law books writ-ten on clay were discovered by a French exploration party digging up the ancient city of Suza, and these form the principal attraction of the archae-ological exhibition at the Grand Palais, which opened May 12th. Parts of the which opened May 12th. Parts of the code deciphered by the professor deal with criminal, civil and commercial law. Here are extracts from the fund-amental laws of the ancient Babylonian

"The man who robs a house afire shall be thrown into fire." "The burgiar discovered in the act

"He who destroys a fruit tree shall be fined ten pieces of silver."

"He who drives another man's ox to death shall give ox for ox."
"He who injures an animal shall be fined half the worth of the animal."
"A woman inheriting a house, field or orchard from her husband must not be meleted in her possessions, which

be molested in her nussand must not be molested in her possessions, which she shall be free to leave to her favor-ite son. Her husband's children shall not be entitled to fight her testament." "He who enters into a contract with-cut witnesses or without any instru-ment in writing shall not be allowed to carry his case before the courts."

Althuman Rep Rep Port

# WOMAN'S BOARD MEETS IS AGAINST IN ANNUAL SESSION

Fire Commission Varied Reports of Year's Work Were Read. Comptroller Calls Loving Tokens for "Mother" Castle and Mrs. Hiram Bingham.

Church yesterday morning and arternoon, where the work of the spien-did organization was told in reports, addresses and statistics, and when the benediction was said in the afternoon the members departed from the church edifice impressed with the grandeur of which left the board such a field of action. The morning was devoted to the reading of numerous reports, and at noon there was an intermission for an hour and a haif, during which time a delicious luncheon was served in the lecture room, at which were present nearly three hundred persons. In the afternoon there was an election of officers for the ensuing year, an address by the president, and a detailed statement of the work proposed for the coming year. A number of missionaries from the steamship Coptic who are en the results of the early missionary zeal ation ing year. A number of missionaries from the steamship Coptic who are en route to Japan and China were present and gave interesting accounts of

up their work.

A beautiful feature of the afternoon session was the gentle touch of sisterly love exhibited by the members to Mrs. Hiram Bingham, who was unable to be present, and to Mother Castle, who spoke a few words of encouragement to the board. The tokens of remembrance were in the form of clusters of lilles, one of which was given to Rev Hiram Bingham to convey to his wife. At each presentation the entire audience rose to its feet and stood silently during the affecting ceremony.

the countries in which they had taken

The platform was prettily decorated with flowers, lilles being in abundance, with potted ferns in sharp contrast. Upon the platform were Mrs. Hyde, who presided: Mrs. Coan, Mrs. S. E.

Bishop and Miss Sheeley. For the coming year the following officers, whose nominations were duly brought before the meeting and voted upon favorably, will serve:

President-Mrs. C. M. Hyde. Vice Presidents-Mrs. Hiram Bingham, Miss M. A. Chamberlain, Mrs. S. E. Bishop, Mrs. W. M. Kincaid, Mrs. Theo. Richards, Mrs. J. A. Cruzan, Hilo. Hawaii, Mrs. W. H. Rice, Lihne, Kauat; Mrs. R. F. Engle, Pais, Maui, President Missionary Gleaners—Mrs. Clies Core. Giles Gere

President Pauahi Band-Miss Ida M. President Lima Kokua-Miss Neibel.

Recording Secretary-Miss Margaret ta L. Sheeley, Home Corresponding Secretary-Mrs.

N. L. Moore. Foreign Corresponding Secretary—
Mrs C. H. Dickey.
Treasurer—Mrs B. F. Dillingham.
Auditor—Mr. W. W. Hall.
Departments—
Superintendent of Work Among Hawalion—Mrs Laure Green

waiians—Miss Laura Green. Superintendent of Work Among Chi-nese—Mrs. F. W. Damon.

Superintendent of Work Among Por-tuguese-Mrs. A. V. Soares. Superintendent of Work Among Jap-

prepared. WORK FOR NEXT YEAR

mapping out the program for this year to add to the interest and value of our meeting by bringing more of the members into the working force.

The two additions to the programs

The two additions to the programs of this year are first a committee of \$14.85. one, appointed for each meeting, to provide items of interest in Mission Fields, and second, a table or bureau

of exchange of Missionary literature. We are hoping for more enthusiasm in this latter plan. Many of us subscribe for missionary magazines, who would be more than willing to pass them on, to be means of inspiration to those who do not see these magazines, and also to learn of branches of work which are not mentioned in our own particular papers. We ask all those who have such literature and are willing to loan it or pass it on to bring it to the meetings month by month to the meetings month by month. Please have your name plainly written in ink on all literature you wish to have returned. Mrs. W. W. Bristol of the Kamehameha Manual School has kindly consented to take charge of the web-new school before the control of the school has kindly consented to take charge of the web-new school has been selected to take charge of the school has been scho exchange table.

The special collections taken up last year for the Armenian orphans and the Pundita Ramabai Association were so successful that we consider it wise to ask the ladies to repeat the offerings this coming year. They will be taken up as last year for the Armenians in October and for the Ramabai Associa-

tion in January.

There will be no meetings held in July and August.

hinese Work: Report of Portuguese

October-Forward Movement in Jap-October—Forward Movement in Jap-an, Miss Eliza Talcott; Items, Mrs. Jonathan Shaw; Report of Hawaiian Work; Report of Japanese Work; Re-port of Missionary Gleaners; Special collection for Armenia. November—Medical Work in the Ori-ent by Oriental Women, Miss Flora Albright; Items, Mrs. W. E. Brown; Report of Chinese Work; Report of Portuguese Work; Report of Lima Ko-kua.

(Prom Wednesday's dally.)

HE Woman's Board of Missions sat in annual session in Central Union | P. Emerson; Rems. Mrs. Marques: Report of Hawaiian Work: Report of Japanese Work: Report of Paushi

January—Qualifications for Missionary Work as Drawn from the Scriptures. Mrs. John Leadingham, Rems. Mrs. 8. A. Gilman; Report of Chinese Work, Report of Portuguese Work, Report of Missionary Gleaners, special collection for Pundita Ramabai Association.

Japanese Work.

May-Book Review, Mrs. H. N. Cas-tle; Items, Mrs. W. L. Whitney; Praise and Thank Offering. June-Annual meeting.

THE FURTHER PROCEEDINGS. It was decided to renew the approprintions of last year according to the

recommendations of the treasurer.

Among the ladies who spoke during the afternoon were Mrs. McCully-Higgins, Mrs. Charles Bartlett Dyke, Mother Castle, Mrs. C. M. Hyde, Mrs. Evans, a missionary passenger on the Coptle for Japan. Rev. Hiram Bingham gave an encouraging message

the board from Mrs. Bingham. Mrs. Dyke said that in the work which Gen-Mrs. eral Armstrong had done for the negroes of the South Hawaii had done right by the early missionary spirit in sending back persons to do good in the country whence came the first missionaries for the Islands. Mrs. Hyde's address was on "The Law of Compensaand the paper was presented in an interesting manner, evoking much He said emphatically that he had not applause

MORNING SESSION.

The exercises yesterday morning at 10 o'clock began with the singing "Rock of Ages," following which a brief address was made by Miss Martha Chamberlain, the vice president. spoke of the stir caused by the capture

of Miss Stone by brigands, and the lesson the incident gave to all religious She recalled also the terrible disaster in Martinique, commenting up-on the lesson the disaster contained for who dwelt in Hawaii, and re-

minded all to lean upon the Lord. Reports were read by the home secretary, as well as by Mrs. A. V. Soares. superintendent of work among the Por-Mrs. Gulick, superintendent tuguese: of work among Japanese; Mrs. Frank Damon, superintendent of work among

prepared. Mrs. Theodore Richards. The report of the recording secretary chief of the hureau of statistics, and chairman of the committee on work for mentioned that for thirty years the was introduced by Senator Frye and the next year, reported as follows yes- board had not missed holding twelve Representative Kahn. meetings annually, but a departure was matter was optional with shippers they made this year by omitting the holding refused to furnish the customs officials

Following the collection the meeting largely guessed at heretofore. adjourned for lunch. The lunch was served in the lecture room where twenty tables had been prepared for the members of the board and the church nembers invited to be present. The tables were prettily decorated with flowers, and a number of ladies assisted the fluests by waiting upon the tables. There was salad, cold meats, bread and butter, cake and coffee, all, Everything was home made or home cooked, and the edibles were thoroughly enjoyed. The lunch was in general charge of Mrs. Andrew Fuller.

#### The Peace Conference.

LONDON, May 27.-The British Cabday discussing the communications re-ceived from Pretoria since the meet-ing of the ministers on Friday last. It is understood that the inner committee of the Cabinet will telegraph the resu of the deliberations to Pretoria this "The man who robs a house after shall be thrown into fire."

The burglar discovered in the act has forfeited his life if he carries weapons on his body. He shall be burled on the spot where he entered the house."

"He who destroys a fruit tree shall true was a fruit true shall true was a fruit was a fruit

HOW TO AVOID TROUBLE.

Now is the time to provide yourself and family with a bottle of Chamber-lain's Colic, Cholera and Diarrhoea Remedy. It is almost certain to be needed before the summer is over, and collection for Armenia.

November—Medical Work in the Orient by Oriental Women. Miss Flora Albright; Items, Mrs. W. E. Brown; Report of Chinese Work; Report of Portuguese Work; Report of Lima Kobara Albright. For saie by all deal-time work; Report of Lima Kobara Albright. For saie by all deal-time work; Report of Lima Kobara Albright. For saie by all deal-time work; Report of Lima Kobara Albright. For saie by all deal-time work; Report of Lima Kobara Albright. For saie by all deal-time work and druggists. Benson, Smith & Co. Ltd., agents for Hawaii.

# THE BANK

## For a New Election.

(From Wednesday's daily.) (Special to The Advertiser.)

ASHINGTON, D. C., May 23. There has been startling development in the affairs of the First National Bank of Hawaii at Honatulu. It has leaked out here that a new election for directors of the institution has been ordered by the office of

the Comptroller of the Currency.

According to the information available, under date of May 12 President Brown of the bank was directed to immediately call a meeting of the stockholders for the purpose of electing di-rectors. It is known that the office of the Solicitor for the Treasury has had under consideration several statements oncerning the last annual meeting of the bank, and that a decision was sent to the Comptroller to the general ef-fect that the meeting of January 14 was not properly held.

The instructions of Deputy and Acting Comptroller W. B. Ridgley were mandatory upon the officers of the bank to proceed without delay to call the meeting of stockholders, as under rulings of the courts of Hawaii the ground was cut from under the feet of the president of the bank in the matter of his rulings as to the majority

It is understood further that Bank Examiner Knight of San Francisco has been directed to visit Honolulu and see that the instructions of the Comptroller of the Currency are carried out. Representatives of the Seligmans of New York have been in close consultation with the Comptroiler recently and 4t is understood strong influence has been brought to bear.

President Cecil Brown was asked by reporter for The Advertiser yesterday if he had received any informaof the Currency, in line with the above. had any instructions; that he "didn't know anything about it."

Colonel G. W. Macfarlane, who has had to do with the affairs of the bank in that he has represented the interests of the Anglo-Californian Bank of San Francisco, the parent body, and presented the proxies at the meeting of January 14, which were ruled out of order by the president, refused to discuss the matter.

The belief of people here is that there must have been exerted at Washington some strong influence to bring about such action on the part of the Comp

#### Hawaiian Manifests.

WASHINGTON, May 26. - Senator Foster of Washington has received vigcrous objections from Paget Sound Chinese: Miss Laura Green, superin-shippers against what they think is an tendent of work among Hawalians, arbitrary Treasury ruling requiring Mrs. Gulick called attention to the cus- manifests of goods shipped to Alaska tom among Japanese men on arriving or Hawali, as though they were foreign here to go to plantations for work, ports. The shippers think this is an in-And from the proceeds of the above and any other funds of the commission of liquidate all outstanding obligations of the commission of liquidate all outstanding obligations of the commission of liquidate all outstanding obligations of the control of the order. As a matter of for a home on a large scale. She mens fact, the Treasury is not responsible Mrs. J. B. Atherton.

With the exception of one or two changes, the officers and heads of departments are about as they were last ear. work among the Japanese. Miss Green rying cargoes to non-contiguous terri-For the work of the board for the emphasized the need of a kitchen where tory of the United States, to furnish coming year, especially with regard to Hawalian girls could be taught to cook. manifests. This is for the purpose of the literary portion of the monthly She believed that much moral good gathering statistics of such commerce. The bill was drawn up by O. P. Austin, Your committee on work desire to of meetings in the summer time, owing with information. Now they must do it. Chief Austin said there was no incoming year. We have endeavored in The report of Mrs. B. F. Dillingham. The report of Mrs. B. F. Dillingham, tention to pry into private business and the treasurer, read by Mrs. Coan, was that such information would be kept ns follows: Balance on hand June 4, inviolate. Under the new law it will 1901, \$2832.35; amount raised this year, be possible to ascertain the extent of \$2224.35; expenditures, \$2287.50; balance, the commerce between San Francisco and Hawaii and Alaska-something

#### Abused the White Fing.

MANILA, May 27.—While Second Lieutenant Robert C. Humber, of the Tenth Infantry, and Sergeant Wark-ing, of the same regiment, were walk-ing about six miles from Camp Vickers in Mindanao, they perceived a sin-gle Moro carrying a flag of trues. When the native had approached close to the Americans he suddenly drew his creez and slashed Sergeant Warking, cutting his arm completely off. Lieutenant Humber attempted to shoot the More but his revolver missed fire and the native escaped in the tall grass General Davis, commander of the American forces in Mindanao, has re-iterated his orders that no American soldiers are to leave camp unless in a party of at least eight men, who must armed and prepared for any emer

#### Coronation Arrangements.

NEW YORK, May 27.-Coronation affolding now fills every thoroughfare the route of the royal progress in the says the London correspondent of a Tribune. The Abbey is hardly visthe Tribune. The Abbey is hardly vis-ible from Whitehall on account of the carpentry barricades. Gradually the dates for the state events of the cor-onation bave been assigned and the Marchioness of Langdowne and others are now arranging dinners and receptions for the remaining intervals. The Duke of Norfolk is doing the work of management but the king is consulted at every turn. He decides everything quickly and does not change his mind,

And Every Distressing Irritation of the Skin and Scalp Instantly Relieved by a Bath with CUTICURA SOAP



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Complete External and Internal Treatment for Every Humour,
Consisting of Curricuma Soar, to cleanse the skin of crusts and scales and soften the thickened
cuticle, Curricuma Cintenent, to instantly allay itching, inflammation, and trritation, and soethe
and heat, and Curricuma Rissouriew, to cool and cleanse the blood. A Singui Say is often
sufficient to cure the most torturing, disfiguring, and humiliating skin, scalp, and blood humoure,
with loss of hair, when all else fails. Soid throughout the world. Aust. Depot: R. Towns &
Co., Sydory, N. S. W. So., African Depot: LENDON LTD., Cape Town. "All shout the Shin,
Scalp, and Hair," free. Potter Daug and Chem., Comp., Soie Props., Boston, U.S. A.

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į	PARLICJUNE 28	CHINAJUNE 21
À	SONGRONG MARUJULY 5	DORICJUNE 28
ł	COTNA JULY 15	NIPPON MARUJULY 8
Ì	DORTO JULY 23	PERUJULY 16
1	MIDDON MARII JULY 31	COPTICJULY 25
į	OWDIT ATIG 8	AMERICA MARUAUG. 2
ł	COPTIC AUG. 18	PEKING
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AGENTS.

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> Miller's Harness Oil, Harness Dressing, Harness Soap, Castile Soap, Chamois Skins, Carriage Dusters, Axle Grease, Carriage Axle Washers, Wagon Jacks, Sponges, Curry Combs, Brushes, Mane Combs, Whips, etc. Carriage Paints and Varnishes, Hack and Carriage Rubber Tires.

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New Building, Corner Fort and King Streets.

#### BRITISH INTELLINENCE

Tuesday, June 7. Coptle, Rinder, from San Fran-

B. R. Courtle, Blinder, from Sun Francisco, at 1 20 a. m.
Stein, Maura Len. Simerson, from Latinina, Maniaca, Kona and Kangonia at 2.20 a. m., with see sacks sizes. I sacks coffee, is suchs tare, 20 builder banarass, 15 anches as a. M. baras butjer, 23 crates fruit, is present to a. 8 burgles pol. 29 buildes philos, 25 purs. 25 head

pel, 29 bundles hites, 25 page, 24 head entile, 15t packages sandres. Fatter. Nichau, W. Taompson, from Arabola, at 5 a. m., with 2000 begs su-gar, 250 hugs rice, I package merchan-dise.

Am. bk. Oregon, Parker, 72 days from Newcastle, off port last night. Wednesday, June t. R. M. S. S. Aorangi, Philips, from Sydney, Brisbane and Suva, Fiji, at 8

Stmr. Iwalani, Greene, from Kilauca, at 5 a. m., with 4002 bags sugar. Stmr. Mikahala, Gregory, from Ko-lon, at 4:10 a. m., with 1450 bags of

Am. bk. Oregon, Parker, 72 days from Newcastle, with coal. Stmr. Lehua, Napala, from Molokai

Stmr. J. A. Cummins, Searle, from Oahu ports, at 10 a. m. Schr. Lady, Moki, from Koolau ports,

sighted at 7 a. in.
U. S. Fish Commission Steamship
Albatross, Thomas, from scientific
cruise to Laysan Island, hence May 19;

#### DEPARTED.

Tuesday, June 2. Stmr. Nocau, Pederson, for Honokaa

and Kukuihaele, at 2 p. m.
Stmr. Kauai, Bruhn, for Lahaina,
Kanaspali and Punaluu, at 5 p. m.
Stmr. James Makee, Tullett, for Kapaa, Hanalei, Kalihiwai and Kilauca, at 4 p.m. Stmr. Kinau, Freeman, for Hilo and

way ports, at noon. Stmr. Maul. F. Bennett, for Maul

ports, at 5 p. m.
Stmr. W. G. Hall, S. Thompson, for
Kauai ports, at 5 p. m.
Am. sp. Acme, Lawrence, to anchorage off port at 8 a. m. S. S. Coptic, Rinder, for the Orient at

4 p. m.
Gaso, schr. Eclipse, Townsend, for
Kaunakakai, Kamalo, Lahaina, Kihel
and Makena, at 3 p. m.
Stmr. J. A. Cummins, Searle, for
Oahu ports, at 7 a. m.
Am. bktn. S. G. Wilder, Jackson, for
San Francisco.

San Francisco. Wednesday, June 4.

Stmr. Nilhau, W. Thompson, for Ha-namaulu, Koloa and Eleele, at 5 p. m. Stmr. Lehua, Napala, for Maul and Molokai ports, at 5 p. m. S. S. Aorangi, Phillips, for Victoria S. S. Aorangi, Phillips, for Victoria and Vancouver, at 4:39 p. m. S. S. Tampico, O'Brien, for San Fran-cisco, via Kahului, at 6 p. m. Am. bith, W. H. Dimond, Hanson,

for San Francisco, Am. bk. Ceylon, Willer, for Laysan Island.

Stmr. Mikahala, Gregory, for Koloa, Elecic, Makaweli, Waimea and Kekahn, at 5 p. m.

#### DUE TODAY.

S. S. Alameda, Herriman, from San Francisco. 8. S. Miewera, Hemming, from Victoria and Vancouver

#### ... DUE TOMORROW.

S. Gardle, Finch, from the Orient. Stmr. Khau, Freeman, from Hilo and way ports. Stur. Lehua, Napala, from Maul and

Molokai ports.

SAIL TODAY. Am. sp. Acme, Lawrence, from off port for New York. U. S. S. Solace, Singer, for Guam and

Manila, at noon. Stmr. Mauna Loa, Simerson, for Lahaina, Maainea, Kona and Kau ports,

Per stmr. Mikahala, June 4, from Kauai ports—F. Gay, C. Brodley, J. Passoth, W. A. Batley, Mrs. E. Smith, Dr. Turner, H. T. Hayselden, F. Faxon, C. B. Hofgaard, Miss F. Kahaleuki and Progress of events in the Raw Sugar Progress of Sugar Land Control of the Control of Sugar Land Control

Per stmr. Iwaiani, June 4, from Ki-lauca—Mr. Wallop. Per stmr. Lehua, June 4, from Mole-

kai ports-J. H. Wilson, Rev. G. W. Kolopapela, Mrs. Ellen Maluai, Mrs. Kalnuwai and one deck. Departed.

Per stmr. Lehua. June 4, for Molokai High Sheriff and Mrs. A. M. Brown, J. Brown, wife and family. For arrivals and departures per S. S. Aorangi, see page 10.

#### Hilo's New Wharf.

Bids for construction of Hilo's new wharf were opened in Hilo last Saturday. The Hawaiian Engineering and day. The Hawaiian Engineering and Construction Company, Cotton Bros. and Lewis Bros. of Hilo were the bld-ders. The former's bid was the lowest and was accepted. Work on the new wharf will begin in about three months. It is expected that the work will be completed in three months. The wharf will be 800 feet by 100, and will be located about 500 feet from the Vinance of the control of the contr cated about 500 feet from the Kinau

ing the voyage in but five days from Roche Harbor via Port Angeles with her cargo of lime. This time equals that made by steamers.

#### A Long Trip

The bark Oregon, Captain Parker, which arrived off port on Tuesday night, came into the harbor yesterday morning. Calms were experienced during most of the voyage. One gale met with in southern latitudes broke the main royal yard and carried away the two lower topsalls. The vessel brought 2090 tons of coal from Newcastle for the 2090 tons of coal from Newcastle for the Inter-Island company and made the trip in 72 days.

#### Guam's Leper Colony.

Commander Seaton Schroeder reports by mail that he is condemning prop-erty in Guam for a leper colony and asks for an appropriation of \$2000 in gold from the emergency fund. Meanwhile patients are confined to leased ground. Thirty acres, he says, are required, and he has secured the co-operation of Father Palamo, who will supply nurses.-Army and Navy Jour-

Prof. Leonard, the aeronaut, is again in town, and would like to make an ascension on the 11th of June.

# **Baking Powder**

Makes the bread more healthful.

#### Safeguards the food against alum.

Alum baking powders are the greatest menacers to health of the present day.

WILLIAMS, DIMOND & CO. REPORT

being in force.

Basis—April 23 to 28, no sales; 29, spot sale of 1990 tons at 3 7-16c and on same date cost and freight sale 2600 tons at 3.44c; 30, "to arrive" sale 800 tons at 3.7-16c; May 1, spot sale 2100 tons at 3½c; 2, spot sale 2100 tons at 3½c; 3, cost and freight sale 1000 tons at 3½c; 5 and 6, no sales; 7, spot sale 2000 tons at 3½c; and on same date cost and freight sale 500 tons at 2.51c; 8, spot sale 2000 tons at 3½c; 9, spot sale 500 tons at 3½c; 10, no sales; 12, "to arrive" sale 700 tons at 3½c; 13 and 15, no sales; 16, cost and freight sale 1300 tons at 3.435c; and on same date, "to arrive" sale 2500 tons at 3.7-16c; 17, spot arrive sale 2500 tons at 3 7-16c; 17, spot sale 2200 tons at 3 13-32c; 19 and 20, no sales; 21, spot sale 1300 tons at 3 7-16c; 22, spot sale 850 tons at 3 7-16c; 23, spot sale 700 tons at 3 7-16c; 24, cost and freight sale 2000 tons at 3.44c; and on same date spot sale 600 tons at 3 7-16c establishing basis for 96 degree Centrif-ugals in New York 24th inst. 3.439c; San Francisco, 3.064c.

New York Refined-Quotation of 4.60c equivalent to 4.50c net cash, established April 14th, continued in force until April 28th, on which day a reduction of five points took place, establishing price of 4.55c equivalent to 4.46c net sh. This figure prevailed until May on which date a further reduction of five points occurred, establishing a price of 4.50c equivalent to 4.41c net cash; since that time no further change

cash; since that time no further change has been reported.

London Beets—April 23, 6s; 24, 5s 11d; 25 and 26, 6s 1½d; 28 and 29, 6s 2½d; 30 to May 2, 6s 33; d, 8 and 29, 6s 4½d; 5, 6s 1½d; 6 and 7, 6s 33; d, 8 and 9, 6s 4½d; 10, 6s 5½d; 12 and 13, 6s 4½d; 14, 6s 5½d; 15, 6s 4½d; 16, 6s 3½d; 17, 6s 4½d; 19, holiday; 20, 6s 4½d; 21, 6s 3½d; 22, 6s 2½d; 23, 6s 3d; 24, 6s 2½d.

London Cable—May 29, Suotes Java

London Cable-May 20, quotes Java No. 15 D. S., 8s; fair refining, 6s 9d; same date last year, 11s 9d and 10s 9d respectively. June Beets, 6s 44dd. gainst 9s 752d corresponding period last year.
Sugar Telegram—Just at hand dated

w York, May 26, 1902, reads: Cost and freight sale 300 tons equiv

"Cost and freight sale 300 tons equivalent in long price to 3.435c. Granulated unchanged; Beets, 6s 1\(^1\)<sub>2</sub>d.

Consequently basis for 26 degrees
Centrifugals in New York 26th instestablished by transaction recorded above is 3.435c. San Francisco 3.66c.

Latest Statistical Position—Wiflett & Gray report May 15 U. S. four terris.

Gray report May 15, U. S. four ports in all hands estimated May 14, 127,218 tons against 216,662 tons same date last year. Six ports Cuba estimated May 13, 440,000 tons, against 182,704 tons cor-

market throughout the period now un-der review, reflects in a degree the conditions previously prevailing as out-Uned in our report of April 22, 1902. At first an improvement in prices was manifest while the strength and firmness observable in the strength and arm-ness observable in the market augured well for the future. Buyers' views hav-ing undergone a change, however, due doubtless in part to the disappointing demand for Refined, less favorable conditions succeeded and easier prices prevailed consequent upon the disin-clination of refiners to accumulate stocks. Recently offerings becoming lighter a slight upward movement was discernible, but latest mail reports from New York under date of the 22nd inst. Indicate practically unchanged conditions, which appear to be borne out by telegraphic advic a since re-

fairly well maintained with elight fluctuations, although weakening at the close, interest is centered in the esti-mates of Mr. Licht and others of the probable decrease in beet sowings. The belief is now prevalent that the reduc-tion will range from 10 to 11 per cent, smaller figures having first been pub-A R-cord. Smaller figures having first been published by Mr. Licht, as compared with last year for all Europe. The above estimates are not sufficient, however, a record for salling vessels between to hold out much hope for any permanent Harbor and San Francisco, makent improvement later on in the val-

> prices greater activity was aroused in the Refined sugar market for a limited period, but latterly conditions have been most disappointing to the trade, particularly at this season of the year, when consumption usually proceeds vigorously. It is thought that the de-cline on the 12th was agreed upon by refiners in order to check importations

of foreign Refined The Cuban reciprocity bill is still un-The Cuban reciprocity bill is still un-der consideration in the Senate, and at this writing the prospects of the pas-sage of the measure are apparently as remote- as when first introduced. In the meanwhile the life of the present Congress is rapidly drawing to a close, and a variety of other measures still demand attention. Cuban planters te-naciously hold on to their sugars in the demand attention. Cuban planters te-naciously hold on to their sugars in the hopes of the ultimate passage of a bill favorable to their interests, although indications are not wanting that owing to their increasing financial burdens. planters are weakening to a consider

Chinese exclusion bill was signed 29th ult. by the President, and the terms have been previously outlined.

#### Joy's Arm Is in Bad Shape. Home Rulers Give

CIX months before the election the Sages of the Home Rule party admit that they are beaten in the Fourth district, and that if they do not carry the Island of Oahu they are with-The monthly circular of Williams.
Dimond & Co. to their local correspondents, dated May 25 and received by the Coptic, is as follows:
Sugar-No changes have since occurred in the local market or for export, prices established March 5th still being in force.

County government is to be the slopeing in force. ed last night at a conference held in Foster Hall by some of the leaders.

Up the Fourth

District.

gan of their campaign and their efforts are to be centered upon getting a sufficient representation in the Senate to override a Governor's veto of

their pet measure. Part of the plan by which the Home Rulers will endeavor to corral votes was disclosed last night. agers of the party, so the suggestion was given, are to go to leading men and say to them: "If we get this measure (county bill) through, we will put you up for Treasurer, you for Clerk, you for Surveyor," and so on, and the belief exists amongst the leaders that these men, after receiving such promises, will work for the election of Home Rule Legislators.

The Home Rulers feel that J. O. Carter is a man that they want in the Senate, because of his familiarity with finances, public affairs, and his well named by Mr. Spaiding to act in the known spirit of fairness. He was talked of last night as a possible candidate. Sol Mehcula, the Secretary of ower house in the Fourth district. Mahoe of Waialua, the Home Rule representative who introduced the "ladyis not deemed a desirable man for the House next session.
"We are beaten in the Fourth Dis-

said Emmeluth. "This is the time we cannot take any chances. Every man must get to work for the party. We can afford to lose the Fourth We will carry the Fifth Dishirds majority in both Houses we are ing to the injured member. If we don't carry Oahu the

Home Rulers are up a stump." As to any county bill, Emmeluth de-ared that if the Home Rulers had nine votes in the Senate and the Governor vetoed the bill, there was a Republican Senator whom he knew would stand by and vote with the Home Rulwhich would enable them to earry

pentioned the name of Senator Crabbe. The name of Sam Dwight, of Allen & Robinson, was mentioned as a possible andidate for the House to run in the Fifth, his chief merits being that he

the Republicans in numbers on the Island of Maul, and that if a fusion vor of the Home Rulers. ...

### SCHOONER MALOLO HAS BEEN LIBELED

(From Wednesday's dolly.)

Suit was brought in the United States Court yesterday by the Waimanalo Sugar Co. as owners of the J. A. Cummins against the steam schooner Malolo, her engines, machinery, tackle, etc. Damages in the amount of \$2109.85 are asked for injuries sustained by the Cummins in a collision with the Ma-lole in the harbor on January 6, 1902.

Process has not been served as yet on the master of the Malolo, that ves-sel having left very suddenly for Kauai on Monday and having not yet returned.

the libel filed yesterday it is alleged that the accident in the harbor was entirely the fault of the master of the Malolo, and that the Cummins did her best to avoid a collision. Finally, when it was seen that the accident was inevitable, "that the beim of the said steamer Cummins was then put nent improvement later on in the values of beet sugars. Reports indicate that while the Brussels Convention bill has met with opposition in certain guarters, particularly in the Berlin parliament, the probabilities are that its recommendations will eventually be successful ratified by the respective government of the probabilities are that its recommendations will eventually be successful to the probabilities are that the buoy said schooner Malolo struck said steamer Cummins a glancing blow with great force and violence, just abaft of amidships on the starboard side, cutting through the boat board side, cutting through the boat hung on the starboard davits, cutting through the starboard quarter of said steamer Cummins at about 15 feet for-ward of the stern and demolishing the stern of said steamer half way acro Moki Kalam was in charge of the Malolo at the time and the libel says no licensed pilot or master was

board.

A watch was also maintained on the Cummins and she had the proper lights displayed, but the Malolo, according to the complaint, "after suddenly shifting her helm, never slackened her nor signalled to stop or reverse her en-gines though she was coming at the rate of six miles an hour."

The libellants further allege that at the time of the accident the services of the Cummins were extremely valuable and they had to secure the Mokolii to replace her, and for this, and for re-pairs to the Cummins, for loss of time and expenses of master and crew, dam-ages in the amount of \$2109.85 were sustained.

The court is asked to condemn the Malolo and order her sale to pay the damages. According to the complaint, the Malolo is worth about \$6000.

# LEAGUE CUP

# DEFEAT Meeting Last Night.

The splendid Spalding cup will be awarded the baseball team winning the des league pennant this season. The trophy was the principal topic of discussion at a meeting of the Honolulu Baseball League held yesterday afteroon at the headquarters of the Maile which the cup is to be won and held The cup was presented to Honolulu by A. G. Spalding in 1889, when he visted Honolulu with the All-American ball team which was making a trip round the world. The cup was a chal-

lenge affair to be contested for per-petually and to be held by the champion nine of each season It has been won as follows: 1889, Stars; 1890, Kamehamehas; 1891, Honolulus, 1892, Kamehamehas; 1893, Crescents; 1895. Stars; 1896. Stars; 1897,

First Regiment. Until last year, when the Honolulus won the championship, baseball had The man-languished since 1897. The cup is at suggestion present decorating the headquarters of the National Guard of Hawail.

Early in the year J. A. Thompson, vice president of the Honolulu Athletic Club, wrote to the donor regarding the disposition of the cup and asking for information regarding the conditions governing its disposition. A reply was received from A. G. Spalding to the effect that the cup was perpetual and advising the drawing up of a deed of conditions and the appointment of a guardian. G. W. Smith was

The league did a kindly act at the meeting in deciding to withdraw \$3.50 the House in the last Legislature, was from each club's deposit with the league also suggested as a candidate for the for the purpose of purchasing baseball material to be sent to the Leper Settlement on Molokai by the steamer Le-hua next Monday. J. A. Thompson was dog" and other bills in the Legislature, appointed a committee to see to the purchasing and shipment of the goods It was decided to employ a special officer for the remainder of the season to prevent people from climbing

over the stone wall at Punahou and cheating the box office. Tomorrow's games will be between District so far as the Representatives the Honolulus and Maile Ilimas and are concerned, as we can make it up the Artillery and Kamehamehas. Beroutside. We must, however, control the gor's band will play at the latter game Joy, the crack pitcher of the Honotrict straight. If we can manage to bulus is likely to go on the shelf for a effect a coalition of the Democrats long rest. He strained his arm very and Home Rulers on this island we can seriously in the game against the Cuscarry the island. If we have a two-toms and has now two doctors attend-

## ABOARD AORANGI

A notable passenger aboard the S. S. the bill over the Governor's veto. He Aorangi was Tom Cavill, the famous Australian swimmer. Cavill is one of the celebrated brothers, all of whom hald swimming records for various dis-Charlie Cavill, it will be remembered, was killed in Stockton baths as a hard worker and would stand by a year or so ago. Syd Cavill passed The Home Rule leaders are of the Jordans, on route to the Colonies, and be forgotten.

Brother Tom is the biggest of the were effected with them, some changes family and is a tine specimen of an would take place on that is and in fa- athlete. He is nearly six feet tail and possesses the physique of a gladiator. He has been prominent in the world's aquatics for several years and holds all the Australian professional records from 100 yards to a mile. He also holds several world's records.

His best performances are a mile in wenty-four minutes and 100 yards in fifty-eight seconds, or 24 seconds better than the world's amateur or professional records. He has tried on sev eral occasions to get on matches for world's championship with Nuttall, the holder, but the latter has al-

brother Sydney, who is traveling with him, is bound for London, to compete in the English swimming championship. Resides being a swimmer. Tom-

resterday, Cavill entertained those on gent of the St. Louis Chapter, the pour the vessel with a wonderful exhibition of his skill in the water. Af-stevens of the Exposition Company ter swimming to the lighthouse and back he raced seventy-five yards with for the Daughters of the American

who is swimming instructor at the Olympic Club.

The great swimmer stated to a reporter yesterday that Honolulu was the best place he had ever visited, in which to indulge in the sport of swimming. Barring sharks, he said, it would be an ideal place to swim a race for the mile championship.

"Sport in Australia is not very flourishing," said Cavill, "but in New Zea-land the reverse is the case and the merchants and trades people do not hesitate to put up prizes worth com-peting for in every class of athletics."

very low last night.

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### Tom Cavill goes to San Francisco to take charge of an aquatic show. His brother Sydney, who is travelled. BE ENTERTAINED

ST. LOUIS, Mo., May 27.-Prepara-tions of the World's Fair management Cavill is also a fighter and when at for the entertainment of the distinguished French visitors, including new Referee, for which paper he has been engaged to report the world's fayette, General Brugere, Admiral championship battle between Jeffries and Fitzsimmons, which takes place in Los Angeles next month.

While the Aorangi lay at her wharf

Through Mrs. George H. Shields, re-

back he raced seventy-five yards with one of the crew of the steamer. The sailor received ten yards start and Cavill swam with his legs tied. Notwith-standing these handicaps he won easily, looking back to see where his opponent was.

Before leaving the water he dived under the vessel from the makai side, coming up in the narrow space between her hull and the wharf.

Cavill has a brother in San Francisco who is swimming instructor at the clumpic Club.

his nation may expect at the exposition and an understanding of the plans of the awards. The system of awards a the Chicago exposition was deemed so unfair by France that she withdrew her display from competition.

#### May Float Watalus. An attempt is to be made to float

the schooner Waialua, which lies ashore at Anahola, Kauai, where she was wrecked last winter. W. Weisbarth, who purchased her, thinks that he will be able to float her and put her into commission again. The Waialua's keel Ernest Thrum, who has been lying is off, but if she can be floated and seriously ill for the past week, was dry docked it is said that she can be the Tahiti run in place of the Austraagain put in good repair.

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ASSESSMENTS.

THE TWENTY-FIRST ASSESS-ment of 10% or two dollars (\$2.00) per share has been called to be due and payable June 20, 1902. The twenty-second assessment of 10% or two dollars (\$2.00) per share has been called to be due and payable Aug-ner 21, 1002.

ust 21, 1902. The twenty-third assessment of 10% or two dollars (\$2.00) per share has been called to be due and payable Oc-

been called to be due and payable October 21, 1962.

The twenty-fourth and final assessment of 10% or two dollars (\$2,00) per share has been called to be due and payable December 29, 1902.

Interest will be charged on assessments unpaid ten days after the same are due at the rate of one per cent (1%) per month from the date upon which such assessments are due.

The above assessments will be payable.

The above assessments will be payable at the office of The D. F. Dillingham Co., Ltd., Stangenwald building. (Signed) ELMER E. PAXTON, Treasurer Olas Sugar Co.

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The S. S. Mariposa was to have salled yesterday from San Francisco on